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## House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, February 6, 2008, at 2 p.m.

## Senate

THURSDAY, JANUARY 31, 2008

The Senate met at 11 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, as our lips are open in prayer, so may our hearts be open to receive Your holy spirit. Help us to bow to Your will and live lives devoted to Your providential leading.

Bless our Senators in their work. Let faith, hope, and love abound in their lives. Help them to seek to heal the hurt in our world and to be forces for harmony and goodness. Lord, remind them that they will be judged by their fruits and that You require them to be faithful. May they seek to serve rather than be served, following Your example of humility and sacrifice. Open their minds and give them a vision of the unlimited possibilities available to those who trust You as their guide.

We pray in the Name of Him who is our refuge from life's storms. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 31, 2008.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, and that morning business is to occur following the statements of the majority leader and the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, for the education of all Senators, we just completed a caucus, and the two issues before us are FISA, the Foreign Intelligence Act, of course—and I am disappointed that we don't have something we can sign off on for that, but we are very close. I have told the minority leader that for more than 24 hours, that we are very close, and I do think we are. If things go as I think they will—Senator BOND and Senator ROCKEFELLER have worked very hard—I think we can complete it in 1 day—a long day, maybe a 10- or 12-hour day, but I think we can do that.

Regarding the stimulus package, I have briefly explained to the Republican leader where I think we need to go. He needs to consult with his leadership and staff to determine how we get to where we both think this will wind up, but that decision will be made fairly quickly.

I do say that I think it is going to take me—as my colleagues know, all last year I had four Democratic Senators running for President. I wish

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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they could all have been elected President, but only one can be, so two of them are out of that race now. I still have two Democratic Senators involved. As my colleagues know, next Tuesday is Super Tuesday, and they are both very busy, as is Senator McCAIN. So I probably can't get them back here until Monday, but I do need them back. So the Republican leader understands that, and we will try to work something out today to give us a pathway to complete this stimulus package and FISA.

#### NFL PLAYERS CARE

Mr. REID. Mr. President, when my children were growing up, we had a rule that they accepted—they don't seem to complain now—where we didn't watch television on Sunday. It was just kind of a rule we put down. The television was on all the other times, but on Sunday we didn't watch TV, except on Super Bowl Sunday.

This coming Sunday is the 42nd Super Bowl. It is going to be in Phoenix, AZ. Now, whether this game is a nail-biter or a blowout, we will long remember the heroics of this game, whatever they might be. It might be a goal line stand. It won't be in subzero weather; it is in Phoenix. It may be a fourth-down Hail Mary pass that saves the day or it may be the player who suffers an injury in the first quarter but is able to limp back on the field and play through the pain and who will then be known as the man who led his team to victory even though he was injured. These heroes will, all of them, soak up the cheers of an adoring nation on Sunday.

But there are hundreds and hundreds of former National Football League players who no longer hear those cheers. Instead, they suffer great pain as a result of lifelong injuries from their days on the field. These are the stars of yore, the stars of the past.

Two people from Nevada whom I know are people who were injured playing professional football. These men draw pensions as a result of their injuries because they were modern-day football players. Henry Rolling—an outstanding athlete—went to my high school, basic high school, came out of high school 175 pounds, wound up being a 4-year All-American, University of Nevada, Reno, played in the pros for 9 or 10 years, and was injured. He has the benefit of all of the good things that come about from being a National Football League player.

Some of the players are legends. To me, Henry Rolling is a legend. Some are wealthy. Henry Rolling is a rich man now. He lives comfortably. But many others never hoisted a trophy or earned a spot in our memories. Many were faceless figures behind helmets, lost to history but for these yellowed photographs they show to their families, and maybe even some dusty highlight reels. They helped build a league but never earned much from their on-

the-field heroics. Often, they worked second jobs in the off season. So, far from basking in the kind of wealth we associate with the athletes of today, many are now struggling just to pay their bills and make ends meet for their families. But when they came to the National Football League's retirement plan to claim their disability benefits, they were told go someplace else: Go to our State and see what they have for you. The National Football League can't help. As wealthy as they are, they have turned these players away. The league to which they gave their hearts, souls, and bodies has not stood by their side.

In September, one of these former players who lives in Reno, NV, Brent Boyd, stopped in my office to visit with me to tell me about his struggles, which are the struggles of many former football players. He is a huge man, and he is not fat. When he played, he was 6 foot 3 and weighed 270 pounds. You couldn't see Brent without thinking: That guy must be a football player. He played football at UCLA and was drafted by the Minnesota Vikings.

Now, what do we know about the Minnesota Vikings? During his tenure there, they played football on AstroTurf. Brent explained to me it would be like playing a football game on cement covered with a rug. Every time he hit the pavement, he was hurt. That is the way it was with many of those players. He was an offensive lineman. During a preseason game in 1980, Brent remembers only waking up after being hit very hard. He had a terrible headache. He couldn't see out of one eye. His coach asked his rookie lineman whether he could see out of the other eye. He said yes.

He said go back into the game, so he went back in and he was blind in one eye. Brent did what was expected of him; played through his injury, as he played through many injuries. That was the culture of the sport and the NFL. That was one of countless hard hits Brent took during his playing days.

He told me:

How would you like playing football on cement? That's what we did.

That was what the old artificial playing surface was like. Every hit, when he went down and hit his head, even though he had a helmet on, he could feel it.

It wasn't until years later his doctors began to connect the dots and discovered his chronic dizziness, fatigue, depression, and headaches were a result of head injuries as a result of hit after hit that he took during his 6-year career.

I have talked about Henry Rolling, one of my Nevada heroes. I went to high school with a man by the name of Rupert Sendlein. He was a big man. He had a son who went to the University of Texas. He was an All-American, and he played professional football for 8 years. At the beginning of his ninth year, he went to his doctors and they

examined him. They said: Robin, you can't play football anymore. You have had so many concussions that you have to stop.

Well, Brent didn't have the ability to go to a doctor when he wanted. Robin Sendlein now is retired in Phoenix Arizona making a lot of money. His son now is the starting center at the University of Texas. Robin Sendlein had the benefit Brent Boyd didn't have.

Brent is unable to hold down a steady job. He doesn't think right. He went to the NFL retirement plan for help, but he was granted \$1,550 a month in disability payments—far below the \$8,200 promised to ex-players whose injuries resulted from football.

Brent told me of the struggle that ensued, many doctor visits, delays, denials, and financial troubles.

We all know football is a terribly dangerous sport. For those who earn millions, perhaps it is fair to say the reward is worth the risk. But Brent played in a different time. He never signed a big contract, never earned a shoe endorsement deal, never appeared in commercials.

Now he struggles to pay his bills. He struggles to pay his rent. Is Brent's story an exception? No.

Two football greats—Mike Ditka and Jerry Kramer—people whom those of us my age, and probably all ages, are familiar with. Mike Ditka and Jerry Kramer were gridiron greats. They helped create the fund to help retired players. They discovered heartbreaking stories from retired stars, including Willie Wood, a Hall of Fame safety. Willie Wood—I know about him because I was in high school with Bobby Peck. He was an athlete but not very tall. He was All-State in football, baseball, and basketball. He went to a junior college called Coalinga Junior College in California, which prepared people to go to USC and other great schools. I was stunned. Bobby Peck was not the starting quarterback. He was beaten out by a man by the name of Willie Wood. Athletically, Bobby had never been beaten out by anybody in anything. So he, the next year, went to Dixie Junior College in St. George, UT, where he became all-conference, and then he went to the University of Nevada. He was in a different league than Willie Wood, who went on to play quarterback at the University of Southern California.

As good as he was, Willie Wood figured he was good enough to play in the NFL. He tried out for the Green Bay Packers. Vince Lombardi said: OK, you can try out. Willie Wood became probably the greatest safety in the history of the National Football League. He has had many injuries. He weighed 175 pounds.

Others are Wilber Marshall, a three-time Pro Bowl linebacker; Conrad Dobler, a three-time Pro Bowl lineman; and Herb Adderley, an All-Big Ten star at Michigan State and star cornerback for the Green Bay Packers and Dallas Cowboys.

These are gridiron greats who also came upon many lesser known players with stories like Brent's. Mike Moseley, of the Buffalo Bills, suffered knee, neck, and back injuries that forced him to retire early and left him permanently disabled.

Initially, the NFL disability committee granted him benefits. In September 2004, a doctor hired by the NFL ruled that he could do sedentary work, and they cut off his benefits. This reminds me of when I started out practicing law. For a few years, I did insurance defense work. We had doctors that insurance companies would bring in and it didn't matter how bad somebody was hurt, they determined they weren't hurt very badly. That is what this reminds me of. Mike Moseley lost his home, his car, and his savings. His life has been torn apart.

Another example is Brian DeMarco, a lineman for the Jacksonville Jaguars. Similar to Mike, Brian was forced into an early retirement by injury. He was unable to navigate the disability system's redtape—even though his back was broken in 17 different places. Brian and his family were left homeless. He told the *Denver Post* that the NFL:

is a multibillion dollar business, and guys are giving their quality of life up for this sport. Just a little respect and dignity is all we want.

These stories illustrate a point the statistics confirm. According to one press report, almost two-thirds of former professional football players suffer injuries serious enough to require surgery, and almost half of all players retire due to injury.

But among the more than the 1,000 disability claims filed by former NFL players, about 30 percent have received approval. The rest are thrown in the trash bin, such as my friend from Reno, NV.

Brent Boyd was among the former players who testified before the Commerce Committee this past September. They told us how they feel abandoned and forgotten lost in endless doctor visits and redtape.

Daryl Johnson, who played 11 years as running back for the Cowboys, testified that he retired with 5 years remaining on his contract after suffering a herniated disc.

The Players' Association sent him for an evaluation with one of their doctors—not his own. He was not permitted to even bring his X rays or MRI results. Similar to so many others, his claim was denied.

After the hearing last September, and countless news stories, the NFL and the Players' Association have taken some steps to right the wrong.

Where before their approval process seemed a little more than ad hoc, they now apply standards used by the Social Security Administration to determine disability. We hope it is more effective.

They have also implemented the 88 Plan, which provides funds for a residential care facility or in-home care. The question is, Who are they going to give it to?

Brent Boyd, and so many like him, still suffer the pain of their injuries, still struggle to pay their bills on far less disability assistance than they deserve. Some suffer the inability to think properly because of the head trauma they suffered.

In the coming weeks, I will work with the NFL and the Players' Association and other retirees to ensure progress is being made.

As the bright lights shine on Super Bowl XLII this Sunday—and they are a multibillion dollar business, and they should help these people—I want Brent and his injured brothers to know they are not fighting in the shadows. They deserve a spotlight also.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### STIMULUS MARK-UP

Mr. MCCONNELL. Mr. President, last week, Americans saw something many of them thought they might never see: Speaker PELOSI, Minority Leader BOEHNER, and the President working as a team. Republicans and Democrats rose above politics and put the people and the economy first. And on Tuesday, the House passed their compromise stimulus plan by a vote of 385–35. Then all eyes turned to the Senate: Would we put our individual interests aside, or would we throw the whole plan into jeopardy by loading it down with gifts for anybody who came calling?

Apparently the temptation for giveaways was too great for some to resist. As soon as the bill hit the Senate, it started to look a lot like Christmas over here. Chairman BAUCUS added 10 new provisions before the bill was even considered in committee. Three more amendments were added in committee. You could almost hear Bing Crosby's voice coming out of the Finance Committee. And so the stimulus train is slowing grinding to a halt here in the U.S. Senate.

All of this only reinforces my view that the only way we'll get relief to the people soon enough for it to work will be to insist on speed over spending. And the only way to do that is to pass the bipartisan, House-passed bill. That way we can send it to the President for a signature—and get much needed relief into the hands of millions of Americans as quickly as they are now expecting it. This is the only way to pass an economic growth package that doesn't grow the government or raise taxes and that can be signed into law in a timely manner. The other option is to bring it to the floor, where we know it will only grow and slow under the weight of endless additional spending proposals. We need to act quickly. The majority leader called for a bill that is "timely." The House acted quickly. Now it is our turn.

We have a choice: We can accept Washington politics as usual and spend weeks and weeks arguing over how much more can be added to an already unwieldy bill or we can act right now and deliver a timely economic growth package with bipartisan support that can be signed into law now. We could get a bill down to the President in thirty seconds if we want to. The White House and the House have done their part. Now let's do our part. Let's vote on the House-passed bill, without any further delay.

#### HONORING OUT ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask my colleagues to pause for a moment so I may share with them the story of a soldier lost in battle. On January 5, 2007, MAJ Michael L. Mundell of Brandenburg, KY, and his unit were sent to secure a combat area in Fallujah, Iraq, after an American tank reported being struck by an improvised explosive device.

En route to the scene, a second explosive device went off near Major Mundell's vehicle, tragically taking his life. He was 47 years old.

Major Mundell served in the U.S. Army for over a decade before leaving active service to work as a civilian contractor to the armed forces. In November of 2005 he again volunteered for active duty. His wife Audrey tells us that Mike once told a friend "he was going over there to fight them so they couldn't come over here and hurt his children."

For his bravery in service, Major Mundell received numerous medals and awards, including two Meritorious Service Medals, the Bronze Star Medal and the Purple Heart.

Mr. President, Major Mundell was one of those who may have been born in one of the other 49 States but became Kentuckian by choice. Born in Pittsburgh, he grew up in Canonsburg, PA.

As a child, Mike developed a passion for military service. He wanted to grow up and drive tanks. When he was three, he handed his father an encyclopedia and asked him to read it to him.

His family says this began his lifelong love of reading. As an adult, he enjoyed Civil War history, and would often read more than a book a day. He also enjoyed mysteries and thrillers, and read through the Bible three times.

In 1977, Mike graduated from Canon-McMillan High School, home of the Big Macs. His wife Audrey liked to tease him that his high-school mascot was named after a hamburger, but Mike made his school proud on the football field.

Mike went on to graduate from Washington-Jefferson College in 1981 where he majored in history, participated in ROTC and played soccer.

After graduation, Mike realized his lifelong goal of becoming an Army officer when he received his commission as a second lieutenant. Assigned to Fort

Knox, KY, for officer's basic training, Mike became a Kentuckian—that is, when he was not spending 3 years in Germany working as a tank officer.

In 1984, while stationed at Fort Knox, Mike met Audrey, a student at Elizabethtown Community College, through a mutual friend. He was attracted to her red hair; she liked that he was handsome and intelligent. They were married in 1985 and had four children: daughter Erica and sons Ryan, Zach, and Dale. Mike had a special relationship with all of his children and made each one feel as if he or she was his favorite.

Mike raised his family in Brandenburg and was a devoted fan of the Pittsburgh Steelers. He liked to watch historical documentaries, and his favorite movies were the war films "Glory" and "Patton." As a soldier, "strategy and tactics—that was his thing, and he was extremely good at it," says Audrey. "He was so intelligent."

After over 11 years of service, Mike left active duty in 1992 and went on to become a private contractor to the Armed Forces working at Fort Knox. Then in November 2005, he volunteered to again don the uniform.

"Mike was offered the chance to go to Iraq and do administrative work, but he said he would refuse to go if they were going to simply stick him behind a desk," said Audrey.

Assigned to the 1st Brigade, 108th Division, based out of Spartanburg, SC, Major Mundell was tasked with training the Iraqi Army. His tour of duty started on Father's Day of 2006.

Mike wrote e-mails often to his friends and family, sometimes exhibiting his robust sense of humor. In an e-mail dated June 23, 2006, he tried to describe the Kuwaiti heat.

This is what he said: "Turn on a blow dryer, point it at yourself and stand there," he wrote. "And stand there. And stand there. Throw some dust from the vacuum in the air every once in a while. Voila! You are experiencing Kuwait."

Other e-mails described tense times. Take the one he wrote on July 24, 2006, about one of the first times he found himself under fire. "All of the sudden . . . BOOM! . . . our radios were filled with shouts of 'incoming!'" he wrote. "We took three mortars in close."

Later in that same e-mail, however, Major Mundell made clear that despite the danger, he was committed to his duty. He wrote:

This is the most intense, most REAL thing I have ever done in my life.

My thoughts and prayers are with Major Mundell's loved ones today, including his wife, Audrey; his daughter, Erica; his sons Ryan, Zach and Dale; his sister and brother-in-law, Deanna and Ken Sofranko; his nephew, Kenny Sofranko; his niece, Taylor Sofranko; his grandmother-in-law, Jesse Edge; his mother-in-law, Carolyn Cundiff; his brother-in-law, Steve Cundiff; his sisters-in-law Angie Allen and Sandi

Stout; and many other beloved family members and friends.

Major Mundell's funeral service was held January 14, 2007, at the chapel in Fort Knox. The funeral procession was a mile and a half long, and the Mundell family was overwhelmed at the outpouring of support from the community for their lost husband, father, brother, and friend.

Recalling a conversation with her youngest child, Audrey tells us what his son Dale said upon seeing the crowds. "Dale asked me, 'All of this for my dad?'" Audrey says. "And I told him, 'Yes, all of this for your dad.'"

Mr. President, like the hundreds in Fort Knox that day, this Senate wishes to express its deepest gratitude to MAJ Michael L. Mundell for his service. This man, who his wife Audrey describes as "a soldier through and through," gave everything he had to protect his family and his country. Our Nation will forever honor that sacrifice.

STAFF SERGEANT JOHN E. COOPER

Mr. President, I wish today to pause in memory of a fallen soldier, SSG John E. Cooper of Flemingsburg, KY. Staff Sergeant Cooper was lost on January 15, 2007, in Mosul, Iraq, when an improvised explosive device set by terrorists went off near his humvee. He was 29 years old.

This was Staff Sergeant Cooper's second tour of duty in Iraq. For his bravery in uniform, he received numerous medals and awards, including the Non-commissioned Officer Professional Development Ribbon, the Combat Infantryman Badge, the Bronze Star Medal, and the Purple Heart.

Staff Sergeant Cooper, an Army veteran of over a decade, knew from an early age that he wanted to dedicate himself to serving his country. "He wanted to be a soldier from the third grade on," says his mother, Janice Botkin. "And he was strong enough to pursue his dream of being in the military."

As a child, John had many interests. In middle school, he became fascinated with Native American culture and found it to be a part of his own family. "He learned about the Trail of Tears and this sparked his interest in Native Americans," says his mother Janice, who is herself of Native American heritage. John later went to several family reunions at Serpent Mound, a Native American site in Adams County, OH.

In high school, John was active in Future Farmers of America and the drama club. He enjoyed being outdoors. The youngest of four children, he loved to spend time with his brother Terrance and his sisters Sherri and Susie.

Because he was the youngest, John got teased a lot, but as the baby of the family, his siblings also spoiled him quite a bit. For instance, every year the Cooper family would travel to Kings Island, an amusement park in nearby Cincinnati.

John graduated from Fleming County High School in 1995, and that September at age 18, fulfilled his childhood aspirations by enlisting in the Army.

"I remember that he would go running along the country roads to build himself and be ready to pass his physical training when he went into basic," says his sister Sherri Springate. "We're all so proud of him."

As a soldier, he could "go places and do things he wouldn't be able to do if he stayed around here," says his mother Janice.

A skilled marksman, John served in the Army for 11 years and dedicated himself to making it a career. "He really liked being a military person," says Janice.

Over those 11 years, Staff Sergeant Cooper was deployed to Afghanistan, Korea and the Sinai Peninsula. He had his first tour of duty in Iraq and went to London.

By the time of his second deployment to Iraq, he was assigned to the 2nd Squadron, 7th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division based out of Fort Bliss, TX. John enhanced his leadership skills by attending the Primary Leadership Development Course and Air Assault School.

Staff Sergeant Cooper's family is in my thoughts and prayers now as I share his story with the Senate. He will be forever loved and remembered by his mother, Janice Botkin; his father, Michael Cooper; his stepfather, Roger Botkin; his sisters, Sherri Springate and Susie West; his stepbrothers Roger Botkin, Jr., and Robert McMillan; his stepsisters Bonita Botkin and Sherry Hilterbrandt; his aunt, Teresa Gates; his grandparents James and Lillian Burke; and many other friends and family members.

On January 28 of last year, Staff Sergeant Cooper's family held a memorial service for John at his alma mater, Fleming County High School. People came from as far away as Indiana, Ohio, and West Virginia to pay their respects to this fallen infantryman, and they lined the entrance to the school with American flags in hand.

The example John set for the other soldiers was so remarkable that when the "History Channel" joined his unit to capture documentary footage, they selected John's story to follow out of 4,000 men and women. "They were impressed with his leadership qualities and caring for the men that served under him," says his mother Janice.

The "History Channel" is still working on the documentary, but they screened some of its footage at a memorial service for Staff Sergeant Cooper in Texas. I am glad they recognized and were able to capture on film the character and abilities of the soldier called "Coop" by his Army buddies.

I am sure John's family feels the same way. They and everyone who was lucky enough to know John already realize he was a true hero who was dedicated to his country. Now his heroism

has been documented and preserved for all to see.

"We're very proud of John, what he did, and who he was," says John's mother.

I want her to know that this Senate expresses its deepest gratitude for SSG John E. Cooper's life of service. And we express our deepest gratitude for the Cooper family, for raising a soldier and patriot who answered the call in his country's time of need.

Mr. President, I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now conduct a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The senior Senator from Montana is recognized.

#### THE GREATEST GENERATION

Mr. BAUCUS. Mr. President, a few minutes ago, the minority leader urged the Senate to simply pass the House stimulus bill with no amendments, saying it will be a Christmas tree, so pass it with no amendments.

I don't think the Senate wants to deprive 20 million American seniors of a rebate check. I don't think the Senate wants to deprive a quarter of a million disabled veterans of a rebate check. That is what would happen if we were to follow the advice of the minority leader. He would deprive 20 million American senior citizens from getting a rebate check under the stimulus plan. He would deprive a quarter of a million disabled vets from receiving a rebate check under the plan. I don't think the Senate wants to do that.

I think the Senate wants to make some very modest changes to the House-passed bill, if 20 million seniors is modest. We can argue if it is modest. I think it is very important. I think the American public would very much prefer that the Senate make some modest changes to the House-passed bill so those stimulus checks can be sent out very quickly.

We on this side do want speedy passage of the stimulus package. The majority leader has indicated we will take this up on Monday, a few days from today. My hope and expectation is that it will be passed on Monday. Remember, not too long ago, the President and the leadership in Washington, DC, were saying: Gee, let's get those stimulus checks out by February 15. This is January 31. We can get this done very quickly, in a matter of several days, maybe sometime near the end of next week, well before February 15.

We want to move quickly. We want to not load up the stimulus package. Loading it up too much will cause delays, but we on this side of the aisle strongly believe that 20 million seniors should get rebate checks and a quarter of a million veterans get rebate checks.

They will not get those checks under the House-passed bill. That is why I do not think we should willy-nilly accept the House bill which will deprive 20 million seniors and a quarter million disabled veterans of those rebate checks.

They came of age in the Great Depression and during World War II. Of them, Tom Brokaw wrote:

At the end of the twentieth century, the contributions of this generation would be in bold print . . . it is a generation that, by and large, made no demands of homage from those who followed and prospered . . . because of its sacrifices. It is a generation of towering achievement and modest demeanor, a legacy of their formative years, when they were participants and witness to sacrifices of the highest order.

That is what Tom Brokaw wrote in his book "The Greatest Generation." The men and women of that generation and the one that followed are now America's seniors. These are the seniors the Finance Committee is fighting for and trying to help with the economic stimulus bill reported yesterday.

America's seniors are acquainted with sacrifice. As Brokaw wrote:

They know how many of the best of their generation didn't make it to their early twenties, how many brilliant scientists, teachers, spiritual and business leaders, politicians and artists were lost in the ravages of the greatest war the world has seen.

They fought for their country, our American seniors. They gave a lifetime of labor, they gave a lifetime of service, they paid a lifetime of taxes, and they contribute to the economy today. But 20 million of these seniors would not get a check in the House-passed stimulus bill. Twenty million American seniors would get a check in the Finance Committee substitute.

These 20 million seniors would be left out of the House-passed tax rebate. Why? Because they do not have at least \$3,000 in earned income, as in wages, or enough taxable income to meet the test set up by the House bill. In contrast, the Finance Committee plan would allow almost all seniors to receive at least \$500. They would have to show they received at least \$3,000 in Social Security income on their 2007 tax return.

Many American seniors live on fixed incomes. Some earn some wages, some make some money, but many American seniors live only on fixed incomes—their Social Security benefits. Many struggle to pay their medical bills. Many struggle to pay their heating bills, especially as energy costs are going up so high. Drug prices are going up too. Seniors deserve to be included in any rebate program.

When we are contemplating distributing stimulus checks broadly across most American families, it would be wrong not to include 20 million seniors of the greatest generation. A rebate to seniors works for America's economy too. It is not just the right thing to do, but it works for our economy and here is why. Economists agree consumer spending fueled by tax rebates can

boost America's economy, and Americans over age 65 are responsible for 14 percent of all consumer spending. Let me repeat that. Americans over age 65 are responsible for 14 percent of all consumer spending.

Look at this chart to my right. It indicates something very simple, very basic, and very important—and not simply from an economic standpoint but also doing what is morally right for our seniors as well as from an economic perspective. Americans over age 65 spend 92 percent of their income in any given year. That is represented by this horizontal bar on the top in the blue. I will say it again. Americans over age 65—that is what this line represents—spend almost all their income in any given year. They spend 92 percent of their income in any given year.

Now, contrast that with a household headed by a person a little older, over age 75. They spend an even higher percentage of their income—98 percent. That is higher than any other demographic group over the age of 25. Seniors spend the money they receive; much more than any other demographic group over the age of 25.

Other Social Security recipients can benefit too. In 2006, 18 million Americans received Social Security disability benefits, or survivor benefits. Widows, widowers, and disabled veterans—disabled Americans—can qualify for an equal tax rebate, too, under the Finance Committee plan. Millions of them would get nothing under the House plan.

The Finance Committee bill also provides benefits to another group of Americans who have sacrificed for their country: disabled veterans. Once again, the House left them out. The House said no to a quarter of a million disabled veterans. They said no rebate checks if you are a disabled vet and if you don't have significant earned income. Under the House bill, more than a quarter million disabled vets would receive no rebate. Why? Because they have no obligation to file a tax return.

The Finance Committee bill would provide rebate checks for these quarter of a million disabled veterans. The Finance Committee bill would get rebates to disabled veterans receiving at least \$3,000 in nontaxable disability compensation. That is it. The House forgot about that. They forgot about a quarter of a million disabled vets. The Senate plan makes them eligible to earn the same \$500 rebate as wage earners and Social Security recipients—the same. The Department of Veterans Affairs would distribute the rebate.

My colleagues know America is once again at war. Many of my colleagues have visited with wounded soldiers who have come home from wars in Iraq and Afghanistan. In fact, my colleague from Kentucky a few minutes ago made a very moving tribute to several fallen soldiers from his State of Kentucky. Many of my colleagues have, as

I have, gone to Walter Reed and visited with their wounded warriors. More than 21,000 service men and service women have now been wounded in Iraq and Afghanistan—21,000.

Now, thank God, not all of them will become disabled veterans, but many will. No one can question their sacrifice, no one can question their contribution, and no one can question that they have earned the right to participate in this rebate program every bit as much as any other American. So let us honor the Americans who came of age in the Great Depression and during World War II. Let us honor the Americans who have fought for our country in its wars only to come home disabled. And let us ensure that these greatest Americans receive their fair share of any economic stimulus.

That is what is at stake. That is why the Senate should not rubberstamp the House-passed bill. That is why the Senate should pass the Finance Committee's stimulus bill. To do anything less would be to shortchange millions of seniors and veterans who have earned the right to be called the greatest Americans.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator is authorized to speak for up to 10 minutes if he wishes.

#### HONORING MARTIN PAONE

Mr. SCHUMER. Mr. President, today is January 31. It is signifying the end to many things: the end of the month, maybe we will begin to see a little bit of spring down the road, but it is also the end of an amazing career of someone we all know and love, and that is Marty Paone.

Marty Paone has worked for 32 years on the Hill, 28 years on the Senate floor. He started in the House Post Office before working in Senate parking. He joined the cloakroom in 1979 and was appointed Democratic Secretary in 1995 by Senator Daschle. He worked under four Democratic leaders: Senator BYRD, Senator Mitchell, Senator Daschle, and Senator REID. I think every one of them would agree with the word that I would use to describe Marty Paone—"indispensable."

We do not know what we are going to do without Marty here. He has been such an amazing presence, so knowledgeable; not only about the rules of the floor but just about how this body works. I know Senator REID relied on

him for just about every kind of advice. Again, his advice was indispensable.

I am particularly appreciative of his kindness to me when I was a new Senator, teaching me the way the place worked, helping me realize when there would be votes so I could time my schedule. As most of you know, I like to be busy, but I hate to miss votes, as everybody else. And he was just the most knowledgeable, decent, kind, indispensable person around here.

Now Marty is leaving. We really are going to miss him. We are going to miss his dedication to this institution. I think if you made a list of the people most dedicated to the Senate, Marty Paone would be in the top 10 or 20 in all our history.

We are going to miss his ever-present—he hovered in the background quietly—omniscience, always knowing what was going on, and always being there to help. We are going to miss Marty just as a person who, in his quiet, droll way, is actually a very funny guy.

I want to wish Marty the best. I think I speak on behalf of 100 Senators and everyone who served previously. I thank his wife Ruby for putting up with the long hours. I know because I would call Marty at home on weekends or when there might be a vote or this or that. His three kids, Alex, Stephanie, and Tommy—Stephanie is at William & Mary, Alex goes to VCU, and Tommy is still in high school. And a particular hello, because I have heard she is watching, to Marty's mother Evelyn Paone.

Mrs. Paone, God gave you 95 years, and let's hope he gives you many more. I know you are so proud of Marty, maybe even a little prouder than we all are.

Marty, we will miss you, we thank you, we love you. Good luck, Godspeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COLONEL D'ARCY GRISIER

Mr. ENSIGN. Mr. President, I rise today with a truly heavy heart. At Arlington Cemetery, on January 17, 2008, I attended the funeral services of my friend, COL D'Arcy Grisier. Our thoughts and prayers are with his wife beloved Roberta, or, as we call her, Bert, and their three children Sean, Kelly, and Darcy.

D, as he was called by his friends, was a caring father, loving husband, and a member of my extended family. A patriot in every sense of the word, D spent 26 years serving this Nation in the U.S. Marine Corps. Upon retiring

from the Corps in 2003, D decided to continue serving this country in a different capacity.

From 2003 until September of this past year, Colonel D was my military legislative assistant. In this capacity D advised me on all national security matters, all the while reminding me that once a Marine always a Marine and that the "M" in Marine is always capitalized.

Those of us who were friends with D will remember him more for who he was than the lifetime of service he gave to this country. My staff and I will miss D always knowing exactly what the Redskins were doing wrong.

We will miss him always saying "keep your seats" whenever he entered a room. We will miss him constantly singing Jimmy Buffet songs out loud, and losing at least two sleeves of golf balls every time he played. We will miss his laughter and his camaraderie. Most of all, we will miss his friendship.

Mr. President, if D Grisier knew that I was making this statement about him, he would probably be upset. That was the type of individual he was.

While he would not have wanted this attention, Americans deserve to know D's story and the caliber of person who spent a lifetime serving them.

This past summer at our annual staff retreat Colonel D announced that he would be leaving the office to go and work in the Pentagon as the Deputy Under Secretary of Defense for Budget and Appropriations. This was bitter-sweet for many of us.

We were thrilled for D, of course, but sad to see him go. Unfortunately, he was never able to report to work for his new job, a challenging position that he looked forward to starting.

During his tenure on Capitol Hill he had many accomplishments, which D referred to as "doing the people's business."

These accomplishments included advising me in my role as chairman of the Senate Armed Services Subcommittee on Readiness and Management Support.

In this capacity, he drafted legislation and amendments, wrote numerous floor statements, staffed me in high level meetings, advised me on billion-dollar spending bills, and, on occasion, voted my proxy, or what D would refer to his role as, the "extremely junior Senator from Nevada."

He spent a great deal of time in Nevada at our military bases and meeting with veterans. D also took great care in helping the families of our State's fallen heroes. He moved mountains in order to relieve some of the stress and anxiety they face at such difficult times.

After D announced to the office that he would be leaving for the Pentagon he told a short story. I believe this story reflects the type of individual that he truly was.

D told us that the professional accomplishment he was most proud of was bringing a Junior ROTC program to Douglas High School.

The fact that D took pride in accomplishing those less glamorous tasks that directly impacted the lives of Nevadans is what made him the man he was, and made him the man all of us admired.

President Ronald Reagan once said that "Some individuals go through life wondering whether or not they've made a difference. Marines don't have that problem."

Mr. President, I am here to tell my colleagues that this could not be any truer than in the case of COL D'Arcy Grisier.

America is a stronger Nation because of the lifetime of public service that Colonel D gave.

I will truly miss my friend.

His last saying that all of us used to kind of get a chuckle out of, when he was tired of talking, he used to say: "My, my, look at the time."

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### STIMULUS PACKAGE

Mrs. LINCOLN. Mr. President, yesterday the Finance Committee went to work. We marked up a stimulus package after the House had done their package on Tuesday, I believe. They sent a package to us because, quite frankly, as we look out across this great Nation, we understand that our economy needs a jolt. It needs a quick jolt. It needs something for hard-working Americans to participate in bringing this country back on line and getting our economy going and moving forward. That is exactly what we did in the Finance Committee. We took the bill the House had quickly done. They moved quickly with the administration to put something out there. That was a good thing to do, get us started and get us moving in the Congress. But, unfortunately, as we looked at that package they sent us, there were some very hard-working Americans, some justifiable Americans who needed to be a part of stimulating this economy who had been left out.

So what we did in the Finance Committee was to try to make some improvements in a timely way to the package the House had already produced and to get it over here so we could get to work on it here on the floor of the Senate and move it forward so that the people of this country could again reinvigorate themselves and their economies and get back to work. Our plan included two very key groups the House had left out. Those two groups are our seniors and disabled veterans.

I know the Presiding Officer, like myself and many others, has a tremendous respect for the seniors of this Nation. These are the individuals who have built this country. They have labored hard. They have given their all. The fact that their Social Security income does not count as income on their tax returns is no reason to leave them

out of this equation. The other group is our disabled veterans. I know my colleagues can realize the importance of this group. These are courageous Americans who have fought, given to this country in order that we can live in this great land and enjoy the freedoms we do. There is no reason we should leave these two groups out in stimulating the economy.

At least 20 million seniors depend primarily on Social Security income for their retirement. These are individuals who are out there in their communities. They are working hard still to be an active part of the community. But more importantly, they are also those who need it the most. They are the ones who are deciding between whether they are going to purchase their prescription drugs, whether they are going to buy food, whether they are going to pay the utility bill, and whether they will be able to do that small something special for a grandchild or a neighbor. Those are the kinds of people they are.

I did a call-in show yesterday. There was the most delightful man, an elderly gentleman—I believe he was from South Carolina—who called in to the program.

He said: I am one of those seniors. I don't want to be forgotten. I want to be a part of stimulating this economy. I really need it. I am appreciative that you didn't forget our wounded warriors, our disabled veterans, those who have given of themselves that this country could be free and respected. But I have to tell you, if you leave us out, it will be OK because I still believe in this country, and I still believe in those who do need it, those folks who are working hard to take care of their families.

That is just the kind of person we need to help, somebody who has that kind of compassion, somebody who respects the fact that they need it, but they are going to continue to give back in whatever possible way they can.

There is no excuse for us not bringing up this Senate Finance Committee package and passing it, leaving those two groups of individuals out in this great opportunity to revitalize our economy, put faith back in the American people that we are going to act quickly, that we are going to target these resources to places where we know they will get back into the economy.

If you look at the facts from the AARP, older Americans spend about 92 percent of their income—a greater proportionate share than all other adults. They are going to spend those resources on putting it back into the economy. Food, for instance—more than 85 percent of the food we consume in this country is produced or processed in this country. Those are American jobs they are going to be supporting. It is an economy that supports us all which they will be supporting. It is critical that we make sure these two groups are not left out, and we did that

in the Finance Committee. Those were two of our priorities.

I was so proud to join with my colleague, Senator OLYMPIA SNOWE of Maine, to offer the amendment for our wounded warriors. I was so proud of Senator BAUCUS and Senator GRASSLEY for working with us to make that happen, realizing a group had been left out that was essential and that should not lose the opportunity nor the belief we have in them that they are an integral part of this American fabric. They are the very reason we enjoy and maintain the freedoms we have.

Our disabled veterans are such an incredibly important group. We know there are approximately 3.2 million veterans who receive disability income from the Veterans' Administration who will be eligible for rebates under the Finance Committee plan; 3.2 million of them receive disability income they cannot count as income on their tax returns. We don't know that all 3.2 million will qualify, but we do know that, at the least, a quarter of a million of them will. We know for a fact that a quarter of a million of them will qualify for that rebate. It is certainly more than that that is possible. But the point is not how many of them qualify. The point is that we would attempt to leave out any of them in terms of being able to participate in this economic stimulus.

These Americans—our wounded warriors, our disabled veterans, just like our seniors and just like hard-working American families—are going to spend their rebate checks on a variety of needs. They are either going to be spending it on food or a new pair of shoes. They are going to be taking care of their needs, maybe pumping money back into the economy in a multitude of ways.

The Senate plan is a good plan. It is good for Americans. It is good for seniors. It is good for disabled veterans. It is good for our economy. We have worked in the committee in a timely way. We have targeted these dollars. We have kept a rein on the amount of money we are spending, having been advised by all kinds of economists, the Secretary of the Treasury, former Secretaries of the Treasury, who said to us: Do not make the plan too big. Keep it limited.

That is exactly what we did. But we did take the opportunity to not forget two very valuable parts of the American fabric and the American family; that is, our seniors and our disabled veterans.

If we take up this Finance Committee package and pass it quickly and get it to the President, then we will have achieved the goal of stimulating our economy and not leaving out any Americans who could be such a vital part in helping us do that.

So I encourage all of my colleagues, let's don't sit here and squabble over a whole lot of things. Let's move quickly, taking what the House has done, making the improvements we have



made, and move forward, get this done. Then we have an even greater opportunity to start in on the work that is the business of the U.S. Congress; that is, to make sure the investment we have made in these people and in this great stimulus package is not lost or squandered because we are going to follow it up with a multitude of other things that are on our plate that can continue to stimulate the economy.

The one that comes to mind, to me, is the farm bill. The farm bill, which we passed out of here with 78, 79 votes—it would have been more if all the Members had been here; we had never gotten that many votes for a farm bill, I don't think, in our history—is a great opportunity to infuse rural America with development dollars, conservation programs that need to be funded, and looking at nutrition programs, which are essential. I just mentioned that 85 percent-plus of the food we consume in this country is grown or processed here. Think of the good American jobs we stimulate when we make sure those nutrition programs are in place.

We have a host of opportunities before us. I hope—I hope—we will not drag our feet on this stimulus package; that we can come together in a bipartisan way, just as we did in the Finance Committee, and vote for this stimulus package that has come out of committee with the improvements that do not leave any of our American families behind.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. We are in a period of morning business.

Mr. SANDERS. Mr. President, let me congratulate the Senator from Arkansas on her fine and important work on the Finance Committee. Let me also congratulate Majority Leader REID for his leadership, and Senator BAUCUS, Senator GRASSLEY, and the other members for taking the ball a significantly strong step forward as we deal with the economic problems facing our country.

I think it is clear to the vast majority of the American people, if not to the President of the United States, that our country has some very serious economic problems. The middle class is shrinking. Tens of millions of Americans are working longer hours for low wages. Poverty is increasing. And there is a level of economic desperation among the lowest income people in our country that many of us have not seen for a very long time.

As we speak, senior citizens in the State of Vermont are finding it extremely difficult to pay for their home heating fuel bills, which are soaring, as they are seeing record-breaking levels of the cost for home heating oil.

Emergency food banks in the State of Vermont and throughout this country are literally running out of food because many low-income working people

are simply, today, not being able to earn enough money to purchase the food they need for their families.

Homeless shelters are running out of beds. We have some major economic problems, and the time is long overdue for this Congress to begin to address them.

As we discuss an economic stimulus package, there are Members of the Senate—and there are many Americans—who have appropriately raised questions about the amount of money we intend to spend in an economic stimulus package. There are people who point out, quite correctly, that in this country today we continue to have record-breaking deficits, and we have a huge national debt.

All of that is a very legitimate concern I share. That is why we should not heed the advice of the President who, in his State of the Union Address, urged us to extend hundreds of billions of dollars in tax breaks to the wealthiest 1 percent of our population. No, I do not think the wealthiest people in this country need more tax breaks. I think we have to start focusing our attention on the needs of the middle class, on working families, on those Americans most in need.

At this point, let me give thanks to our friends in the House who passed an economic stimulus package which has started the ball rolling. Now, with the legislation we are debating in the Senate, it is our job to improve upon what the House did, and I hope we will be doing exactly that.

While the House bill has a number of important attributes, the stimulus package passed yesterday in the Senate Finance Committee is, in fact, a much better and a far more significant piece of legislation. The Senate bill, among other things, understands low-income senior citizens across this country are facing very serious economic problems. Like low- and middle-income working people, they need help.

Senior citizens, every week I go back to Vermont, tell me they cannot survive on their Social Security checks, and that the cost-of-living COLAs are too small. They cannot find the money they need to heat their homes. They are having a hard time purchasing the food they need. That is why I very strongly support the provision in that legislation passed by the Senate Finance Committee which will enable over 20 million senior citizens to get a one-time \$500 tax rebate. This is money that will be part of an economic stimulus because these are some of the people most in need who will certainly spend that money quite quickly, helping to create jobs in the process.

So I urge all of my colleagues, in a nonpartisan way, to stand with the hard-pressed, low-income senior citizens of our country and support the provision in the Senate Finance Committee bill which says we are going to provide a tax rebate to senior citizens. They cannot and must not be excluded from the economic stimulus package.

Further, the Senate bill does another very important thing in reaching out to our disabled American veterans, many of whom are also struggling economically. By definition, these are people who have been disabled defending the United States of America. They must not be forgotten as we discuss an economic stimulus package. At the very least, what the Senate Finance Committee did will provide a rebate for some 250,000 of those veterans, and perhaps even more. That is the right thing to do from a moral perspective. Those people deserve that help. In fact, helping them will also provide an economic stimulus.

The Senate Finance bill also extends unemployment benefits by 13 weeks in all States and 26 weeks in States experiencing high rates of unemployment. That is a good and proper thing to do as well. As unemployment rises—and especially in those areas where there are consistently high levels of unemployment—many people are going to run out of unemployment benefits. Their unemployment benefits will expire. Those benefits need to be extended, and that is what the Senate bill does, and the House bill does not.

So in my view, the legislation coming out of the Senate Finance Committee is a more significant piece of legislation than that passed in the House in helping those people who are most in need. It is also more important in terms of providing the economic stimulus our economy needs.

But to be very frank with you, what came out of the Senate Finance Committee is an important step forward, an important improvement over what existed in the House, but we need on the floor of the Senate to do much more than what was done in the Senate Finance Committee.

For example, the Senate Finance Committee bill does not provide any funding for food stamps. According to the U.S. Department of Agriculture, over 35 million Americans struggled to put food on the table last year, and the number of the hungriest Americans—those people who literally do not have enough food every day—that number goes up and up and up.

Economists from different political persuasions, both the left and the right, have told us food stamp benefits would be one of the best ways to stimulate the economy. So, once again, you are dealing with the moral issue: As the United States of America, in the year 2008, we should not tolerate a situation where any American goes hungry, where food banks are running out of food. That is not what America should be about.

Second of all, as we expand the Food Stamp Program, we create a very important economic stimulus by definition. If people do not have enough food to eat, they are going to spend that money. They are going to spend it on food, food which is, by and large, grown in the United States of America, and we are going to create jobs in that



process. So my hope is, again, in a bipartisan or tripartisan manner, the Senate will add food stamps to the economic stimulus package.

The Baucus substitute—the Senate Finance Committee bill—just like the House bill, does not provide any money for the Low Income Home Energy Assistance Program, usually known as LIHEAP. This is a program which is extraordinarily important to cold-weather States such as Vermont, New England, all across the northern tier. But, in fact, it is important to every State in this country because in Arizona, in the summer, when it gets to 120 degrees, people there need help as well.

Right now, in the State of Vermont, and all over this country, we have senior citizens and low-income people struggling—tearing out their hair—trying to figure out how they are going to pay to heat their homes when the cost of home heating oil is now well over \$3 a gallon. The reality is that because we have not increased funding for LIHEAP to the degree that we should, either the amount of money each individual person is getting is going down or States are making the decision to provide LIHEAP funding to fewer of our people. Neither alternative is acceptable.

This is a cold winter in various parts of this country. It has been below zero in the State of Vermont recently. No American should go cold. No American should be forced to make a choice between food and heating his or her home. We have to expand LIHEAP funding. People who receive that will be spending that money, and that is also an economic stimulus. So in my view, including food stamps, LIHEAP, and unemployment benefits in the economic stimulus package is not only the right thing to do in terms of stimulating the economy, it is the moral thing to do. It is what we as a nation should be doing.

For too long I think the White House and the Congress have been identified with programs that help the wealthiest people in this country—the people, in fact, who do not need any help at all. The richest 1 percent is doing fine without any tax breaks from Congress. Now is the time to start paying attention to the middle class, the working families, the vast majority of our people who are struggling economically. Now is their time, and we have to listen to their needs and respond to them.

In addition to addressing issues such as LIHEAP, food stamps, and unemployment compensation, there are other areas we should be moving forward on: rebuilding and repairing our schools, bridges, roads, culverts, sewer systems, rail, ports, and airports. Not only would we be addressing the tremendous problems we have in our crumbling infrastructure, but that is also a quick route to put people in the construction industry back to work. In the State of Vermont, it is estimated that we have over \$1 billion in work that has to be done in our infrastruc-

ture. The estimate, according to the engineers, is that we have over \$1 trillion of unmet infrastructure needs in America. We should be rebuilding our schools, making them more energy efficient, and in the process we put our working people in the construction industry back to work. We should address that issue as well.

Coming from a cold weather State, I am very conscious of the issue of weatherization. It makes zero sense that in Vermont and all across this country we have millions of lower income people who are living in homes which are poorly insulated, which do not have storm windows, their roofs leak energy, so these people are spending money for heating fuel that is literally going out the window and through the roof. Weatherization projects are already in existence in all of the States. Putting money into weatherization puts people to work. It saves on the fuel costs for many seniors, lower income people, and it also, not unimportantly, helps us reduce greenhouse gas emissions. So funding weatherization is a win-win-win. We should do that as well.

I also believe we should be increasing renewable energy investments in wind and solar. That is, as I understand it, in the Finance Committee bill, which is very important. We are losing out to the rest of the world in creating the kinds of industries we need through solar, energy, and wind. In the process, we would create many good-paying jobs. The idea that we have not yet passed an extended tax credit for wind and solar makes zero sense. We have to move in that area as well.

I personally also wish to see included in a stimulus package increased funding for community health centers, because when people lose their jobs, they are losing their health care. Federally qualified health centers have been a wonderful tool to bring people into primary health care access, regardless of their incomes.

Back in 2001, I was an early backer of tax rebates—one of those who actually came up with that concept. I support tax rebates for the middle class, for low-income families with children, and for persons with disabilities. I also believe that senior citizens should be receiving help in this bill as well through a bonus in their Social Security checks.

So I think we are making some progress. I think the Senate bill is far better than the House bill. I think we have the responsibility on the floor of the Senate to improve upon what was done in the Finance Committee. I hope that in a nonpartisan way, this Senate will reach out to the American people and let them know we are aware of the pain they are experiencing; we know what is happening in the low-income community; we know what is happening to our veterans; we know what is happening to our senior citizens; and we finally are going to start focusing on their needs, rather than the needs of

the wealthiest 1 percent who have occupied so much of the attention of the Senate for so many years.

We have an opportunity to do something very important for the American people. I hope we do it, and I hope we do it as quickly as we possibly can.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I say to the Senator from Vermont, who comes from a cold weather State, this Senator comes from a warm weather State, and a lot of the ideas proffered by the Senator from Vermont apply to my State as well as his. He has very eloquently laid out how; that if you want to do stimulus, the quickest way to get the money into the economy and flowing so those dollars can turn over is increased compensation, unemployment compensation, and increased food stamps. This \$300-per-person rebate approved over in the House, improved over here—not just because it is \$500, but because it is going to senior citizens as well in the Senate Finance Committee package, whichever one of those you look at, it is going to be May, June, July, or August before those checks get out into the economy. If you want to do stimulus immediately, you are talking about 2 weeks away with increased unemployment compensation and food stamps.

What the Senator says about taking care of our veterans, our disabled veterans, and what he says about the infrastructure, is true. We desperately need infrastructure improvements. As far as a stimulus right now, that is not going to put the money out there, but a lot of this stimulus package is psychological. It is the fact that the Federal Reserve, through monetary policy, by cutting the interest rates that banks share with each other—that helps, but there is a delay, a lag, before that does anything. The immediate jolt is psychological. So too with this stimulus package. At the end of the day, this Senator is going to support it because we do need that psychological jolt, that the Government is standing behind us, not slipping further into recession. But if this Senator had his druthers, he shares a lot of the ideas that the Senator from Vermont has proffered on the quick ways to get the money out into the economy.

Mr. President, I ask unanimous consent that the Senator from Colorado be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I can tell my colleagues that our people are hurting. We don't normally think of the State of Florida, which is in the megatrend, which is the fourth largest State, which is going to become the third largest State within 4 years, the State that is the microcosm of the entire country in almost every demographic group—we reflect the country, in large part because a lot of the country has moved to Florida—you don't

normally think of a go-go State such as that as being hurting economically. But, indeed, our State is hurting. A lot of it has to do with the real estate market going flat. You take tremendously robust areas such as Fort Myers, Lee County on the southwest coast of Florida; it has been in a building boom for years. Of course, that real estate market is flat now, and from all the ripple effects throughout the economy as a result of that, we are hurting. Our people are hurting because they are paying more for gas, for milk, for bread. Meanwhile, because of the flat real estate market, they are seeing their housing values plummet, and many of them are trying to correct the situation by selling their houses, which they can't sell, or unwinding the bad loans they have. But then they can't get buyers to look at their homes.

We see the statistics bear this out nationally. December's rate on unemployment was 5 percent, and that is the highest it has been in 2 years. The GDP growth for the last quarter of last year, 2007, increased only .6 of a percent compared to an almost 5-percent increase in the third quarter of 2007. Yesterday, the Fed, in response, cut the interest rates again by a half point, and this is the second rate cut in 8 days. Today, the Department of Labor released the initial unemployment claims for the week that ended last week, January 26, and guess who had the largest unemployment increase in the country? My State of Florida. The layoffs are concentrated in construction, in trade, in service, and manufacturing.

We are in the middle of a crisis with foreclosures, mortgage defaults, and we are hearing the experts say that the worst is still to come. Two million Americans could lose their homes. We had in Florida last year, in 2007, the second highest mortgage foreclosure rate with more than 2 percent of all our households entering some state of foreclosure during the year. That is a 100-percent increase over the previous year, and Florida home sales last year were down 31 percent compared to the previous year. Oh, by the way, the median home price dropped 13 percent.

So we are now seeing that ripple effect through the economy, particularly in a State such as mine that was such a hot growth market. We are seeing it in the deterioration of the home values, and we are seeing it in the State's economy. The fall-off of revenues to the State of Florida has been significant.

Since the housing crisis is at the heart of this slowdown, it is crucial that in this rescue passage we target these specific concerns. There is going to be a temporary increase in the conforming loan limits of Fannie Mae and Freddie Mac as well as the FHA program. I think these measures will help restore confidence and liquidity in the housing market. The Senate bill adds more aid, including a provision that would allow State and local governments to issue bonds to help with the financing of those subprime loans.

Then, of course, we mentioned earlier disabled veterans. This package is going to provide quick help to disabled veterans, as well as seniors, and I am certainly hoping that we are going to get a clear up-or-down vote on providing an additional 13 weeks of unemployment compensation that is going to help ease the pain of those who are being laid off because of this recession we have now slipped into.

Time is of the essence. In a perfect world, we shouldn't have to do this, because whatever we come up with in this package we have to go out and borrow, and that means we are going to borrow it from China. That is not good. That is piling on more debt to the national debt. But the fact is we have to do something. I am going to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to discuss the state of our economy and the need for Congress to pass the economic stimulus legislation that we reported out of the Senate Finance Committee yesterday, with my strong support. I urge my colleagues to embrace the urgency we should be bringing to this legislation.

This is an issue that has understandably received significant attention over the past several weeks and continues to cause people in my State of Colorado and across the Nation a great deal of concern.

I want to start by listing a few pertinent facts.

After one of the worst holiday retail seasons in years, consumer spending, which accounts for two-thirds of the national economy, is experiencing a sharp pullback.

Economists are now predicting that GDP growth for 2008 will barely exceed 2 percent for the year.

Home values are plummeting in many areas, and foreclosures are on the rise. In 2007, Colorado ranked fifth in the Nation in foreclosures. Foreclosures were up 30 percent over 2006 and 140 percent over 2005.

The December unemployment rate in Colorado was up nearly half a percentage point from November.

A barrel of oil costs over \$90. On average, a gallon of gas costs almost \$3.

The economy is on thin ice.

But economic indicators are one thing, and the financial pressures that middle-class families are feeling is another. Families across Colorado and the Nation are feeling squeezed by the growing costs of energy, education, and health care. Savings are melting away, and disposable income is a thing of the past for many Americans.

I know what it feels like to not know whether you will have enough money to provide your family with the things they need or the future they deserve.

With that in mind, there is no better way we can start the important work of the second session of the 110th Congress than by providing some measure of relief to Americans who are strug-

gling financially, and by doing whatever we can to reinvigorate the slumping economy.

I believe that the central components of the Finance Committee package do an excellent job of meeting those objectives.

I strongly support providing a one-time tax rebate to low- and middle-income families to help them pay their bills and make it through these tough times. This will help jumpstart consumer spending, because most of these rebates will get spent almost immediately.

The Senate package will provide \$500 per individual, \$1000 per couple, and \$300 for every child under the age of 17 for qualifying tax filers. I am pleased that the Senate rebate proposal includes upper income limits to ensure that the rebates are targeted, in addition to being timely and temporary.

I also support tax incentives that provide relief for small businesses and encourage them to invest and create jobs. These businesses are the engine of the economy in my State of Colorado and across the Nation—helping them is an excellent way to get our economy moving again.

I support extending unemployment benefits for an extra 13 weeks, and even longer in high-unemployment States. We have seen a lot of evidence about how effective these benefits are at targeting assistance to people who need it and will spend it, and I am glad we were able to get that done in the Finance Committee.

Our bill also provides rebates to nearly 20 million seniors living on Social Security income and nearly 250,000 disabled veterans that were left out of the House bill.

Our bill temporarily extends important renewable energy and energy efficiency tax incentives. These tax credits will spur investment and job creation in an industry that is critical to our economic future.

Our bill temporarily raises the national cap on tax-exempt mortgage revenue bonds, which State and local governments may use to provide low-interest financing to low-income home buyers and homeowners. This proposal will help address another central contributor to our economic troubles—the fall-out from the subprime mortgage crisis, which has been especially severe in my State of Colorado.

Lastly, our bill strengthens safeguards designed to prevent people from obtaining tax rebates they are not entitled to by requiring tax filers to have a valid Social Security number in order to receive a rebate.

As a result of these important proposals, I believe the stimulus legislation currently before the Senate will go a long way toward meeting our primary objective: putting money as quickly as possible into the hands of people and businesses who will put it right back into the economy.

Having said that, I believe that once we pass this stimulus package we will

need to take a second set of steps to bolster the Nation's longer term fiscal health.

I believe we need to move quickly to pass a farm bill that will help revitalize rural economies in Colorado and across the country. I believe we need to boost investment in our Nation's infrastructure and do more to help address the crisis in housing and real estate. Also I believe we need to strengthen our programs that provide assistance to American workers, businesses, and farmers who are adversely impacted by our trade policies.

Accordingly, I encourage my colleagues to do what we can now to put money right back into the economy by working quickly to pass the legislation before us, but also pledge to continue to work to enact policies that could make a real difference to our economy's long-term health.

The American economy is hurting, but it is fundamentally resilient. I firmly believe that by working quickly to provide short-term stimulus, and by taking modest steps to provide stability in the longer term, we can get back on track.

Just this week, we heard from the President of the United States on the need for us to move forward with an economic stimulus package because he recognizes, as do American families, that the economy is in trouble. It is remarkable that we have bipartisan movement moving forward, with the President working with Speaker PELOSI and others to try to get a stimulus package put together that makes sense for the United States of America.

Yesterday, in the Finance Committee, there was another demonstration of what you can do when you work together. With the leadership of Senators BAUCUS and GRASSLEY, we put together a robust package that should be considered on the floor here—hopefully, later today.

I wish to say a few things about that package. It is important for us to recognize that what came out of the House has now been put into a Finance Committee package that is much improved that will help us stimulate the economy in a number of different ways.

There are improvements that need to be made with the House legislation. Like any other legislation, as you get into the details, you find ways of making it better. That is what Senators BAUCUS and GRASSLEY and the members of the Finance Committee did yesterday.

I wish to simply address five key points that I believe make this package an improved one.

The first point is simplicity. The House version has a rebate package, attempting to get money back into the pockets of consumers to stimulate demand in the economy. That package is a relatively complex formulation of how you provide those rebates. Our package coming out of the Finance Committee is not. It says that if you are a tax filer, you are going to get

\$500. If you are filing jointly, you and your spouse get \$1,000. If you are filing jointly and you have two children, it will be \$1,600. It is a relatively simple package to understand, and that is about two-thirds of what is included in the package. So the American public will be able to understand what it is they are going to get without having to go through an accounting exercise in order to determine what kind of tax rebates they are going to get. So the package out of the Finance Committee should be applauded for its simplicity. It improves significantly upon the House package in that regard.

Secondly, there were groups of important Americans whom we have a moral obligation to stand up for who were left out of the package that came out of the House. Twenty million seniors in America, who are the ones who paved the way for all of us to have the America we have today, would be left out of the tax rebate in the House package. The reason they would be left out in the House package is because the way that formulation of the tax rebate was put together is based on earned income. If you are a retired senior on Social Security or on a pension, you don't have earned income. That means you don't qualify for the tax rebate.

Therefore, what we did in this much-improved package out of the Finance Committee is said we are going to provide the tax rebate to these 20 million Americans. I hope that across the United States of America, those who care about seniors, and seniors themselves, are watching what the Senate does this afternoon and tomorrow and beyond with respect to this much-improved package that would add these 20 million seniors to the tax rebate.

In addition, the House package that came over here also left out another very important group of people: disabled veterans. Mr. President, 250,000 disabled veterans are left out of the tax rebate because the benefits they receive are not characterized as earned income. I would bet, if you ask our colleagues in the Senate today—Democrats and Republicans—they would say they want to stand for our veterans and honor our Nation's commitments to help them. They would say we ought not to leave 250,000 veterans behind. The Senate Finance Committee, in a bipartisan way, said: We are not going to leave 250,000 disabled veterans behind. We are going to get them the tax rebate they deserve. So our Finance Committee package, in my view, closes these gaps that were left in the House package that was passed last week.

In addition, what we do in our Finance Committee package is move forward with the extension of unemployment insurance. Yes, we are seeing the signs of significant unemployment in many States. In my State alone, unemployment has gone up about half a percentage point in the last several months. If you focus on Michigan, Ohio, and Nevada, where you are seeing

unemployment rates as high as 8 percent, when you see that, it is important for us to recognize that our unemployment insurance program should reach those people who don't have a job. At the end of the day, if you think about the quality of life for people in this country, if you don't have a job, you cannot have a quality of life. Extending those benefits is very important.

In addition, our package takes some of what the House did with respect to incentives for job creation for small and big businesses alike—about \$50 billion, more or less, is what would be used to incentivize job creation through both small and large businesses. It would do it by creating bonus depreciation and other mechanisms to incentivize businesses to invest in themselves.

When you think about small businesses in particular, we know they are the economic generators of most of the jobs we have in America today. By providing a mechanism that gives the bonus depreciation, we will be able to make sure these businesses are able to invest in themselves. I know of one small business owner in Colorado who said that because of this package, he will be able to move forward and open a restaurant, where he will be able to hire somewhere between 20 and 35 people. So this stimulus package will do a lot for small business. It is something we very much appreciate.

But we decided not just to leave it there because there are some other important aspects of the economy that need to be addressed in the short term. We did that through some improvements in that aspect of the stimulus package.

First, we looked at the energy issue we are facing in America today. We know that in many States the new frontier of the energy revolution is coming our way. In Colorado, you see it in how we are capturing the power of the Sun and wind and the power of the biomass. But many of the production tax credits and investment tax credits are going to expire. This positive economic wave needs a short-term extension. We have done that in this package, thanks to the leadership of Senator CANTWELL and others on the Finance Committee who pushed that amendment so hard.

Mr. President, I urge my colleagues to support the Finance Committee package and get our economy up and running again.

In conclusion, this is a stimulus package. That means it needs to be targeted, timely, and temporary. But this package isn't going to solve the economic problems that are facing our country today. There are longer term issues that are crying out for a solution, much of which we ought to be able to do in the Congress this year alone. I am throwing out just a few of those examples.

First, the 2007 farm bill. As the Presiding Officer knows, food security is

important in Montana. It is important for the Nation, and it is important for the world. As attorney general for Colorado and now as a Senator, I have had a sign on my desk that says "no farms, no food." I wonder what would happen to America if we didn't have our grocery shelves stocked with food and have the most inexpensive and high-quality foods of any nation in the world.

The 2007 farm bill, which we crafted out of the Agriculture Committee, which garnered the support of 82 Senators in this Chamber, needs to be brought across the finish line. So the administration—the President—should be asking us to move that farm bill through and get it done quickly. We need to be able to do it. We were able to get it through the Senate. We need to pivot off of the stimulus package and get the farm bill done. The food security of America requires us to do that.

We cannot just stop, in my view, moving forward with the farm bill. There is also other work we need to do.

We are in a housing crisis in America today. We are in a housing crisis in my State of Colorado. In Colorado, we have 1 out of 375 homes currently in foreclosure. These are families who lived in those homes who have lost those homes. One out of 375 homes is in foreclosure. But that doesn't tell the story of pain. Yes, those families are certainly suffering, but think about all of the other homeowners in Colorado—probably 90 percent of them—who have seen a decline in home values. For most Americans, their home is essentially the majority of the equity they own. So when you see a decline in home values, you also see a taking away from the value most American families have built into their homes.

When you look at the housing industry, the home construction industry, it is, as my friend Senator CONRAD said yesterday in the Finance Committee, not in a recession; homebuilders are, in effect, in a depression because of what is happening in the housing market in the Nation. We try to do something in this bill, but there is other work we have to do to try to stand up the housing component of our economy because that is such a key indicator of the strength of our economy.

So we need to do the farm bill, and we need to do additional significant work to try to right the housing crisis. But we cannot stop with the farm bill and we cannot stop with the housing issues. We also need to address other issues that are long term, which we have a historic opportunity to address, including the issue of energy and renewables, which we tried to get through the Senate last year.

We must stop for a moment and say thank you that a part of the energy package we debated on the Senate floor is now law. We have CAFE standards that are going to bring about significant savings in oil that we currently import from other countries. That is a very good thing. We have a renewable fuels standard that has quintupled our

goal where we want to go in growing energy independence. We created an energy package that says we as America have a vision that, by 2025, 25 percent of our energy will come from the power of the Sun, the power of the wind, and from the crops we grow in America. What was missing in that package was a part of the legislation the Finance Committee passed in a bipartisan way which would have given us the jet engine to power this clean energy economy for the 21st century.

We must return to that energy legislation to complete a package that will help us move forward to address the fundamental values at issue. Those fundamental values are very simple. They are about national security, so we are not compromising foreign policy by our overdependence on foreign oil. Those values are about making sure we are taking care of our planet and addressing the issue of global warming, and those values are the economic opportunities for America from shore to shore to create economic opportunity from the new energy economy.

While this stimulus bill is important and we must move forward with this bill in an urgent manner, let's all remember that this is but phase 1 of what we have to do to restore the foundations of a good long-term economy for the United States. This will be good work if we can get this work done in the Senate. But there is still much work in the days ahead.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR.) Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise today as a member of the Finance Committee, along with the distinguished Chair, to speak about what we did in terms of the Senate Finance stimulus package which I think is something that makes a tremendous amount of sense for people, for investment, for the economy.

Before speaking about unemployment compensation insurance, which is a critical part of the package, let me say that I commend most sincerely our chairman, Senator BAUCUS, our ranking member, Senator GRASSLEY, for again not only working together but producing something that is a balanced approach, that addresses both stimulus from the standpoint of helping people, puts money directly back into people's pockets, but also helping to stimulate and support businesses, small businesses, large businesses, those not only earning a profit and make investments but those that are not earning a profit and making investments.

They had the vision to work with us in the area of alternative energy production, to extend production tax cred-

its which directly relate to jobs. That is a part of this bill as well. I thank them for taking a look at the House package, and while we commend what was done—it was bipartisan, they did it quickly, it was a step in the right direction working with the White House—we found there were parts of what they did in structuring the rebate that needed to be fixed because we found that over 20 million seniors would be left out of getting a rebate because they do not have earned income; they are living on Social Security. They would have been left out, as well as about a quarter of a million disabled veterans, again, living on disability, not having earned income. Not only is it the right thing to do, the moral thing to do to make sure our seniors can get help, that we are helping disabled veterans, but economically it is the smart thing to do because we know those who are living on fixed incomes are spending the dollars because they have to be able to live, to pay the rent and the mortgage and the heating bill and the food and prescription drug costs, all of those. So immediately giving help to those who are struggling to make ends meet is not only right, it is smart in terms of the economy.

The Senate package expands on what the House did to make sure we don't leave out people, that we don't leave out senior citizens and disabled veterans. We also make sure we don't leave out millions of Americans who have worked all their lives, middle-income wage earners who have built the American dream for their family, have a home, have had in the past the ability to send the kids to college, maybe they had, in Michigan, a cottage up north or a snowmobile; they had the ability to live the good life that we have all wanted for ourselves and our children and have found themselves caught in an economic downturn and, in fact, a recession.

For the State of Michigan it looked like for too long a recession. A lot of middle-income families now find themselves in a situation where they are out of work. They want to work. Nobody wants to live on 40 percent of their income, which is what unemployment compensation provides, and try to make the mortgage payment, care for the kids, pay the heating bill and the food bill and do all those things that we need to do—pay the gas prices, and so on. Nobody wants to be unemployed, and nobody wants to find themselves in a situation where they have to live on unemployment benefits. But we have millions of people who find themselves in that situation.

Our Finance package makes sure we can extend benefits, 13 weeks for unemployed individuals in every State and then an additional 13 weeks for those who are in States of high unemployment. This is the right thing to do. It is not only the moral thing to do, it is the smart thing to do when it comes to the economy.

We had economists from President Reagan's time, economists from President Clinton's time. We had everything

in between. We had the Congressional Budget Office tell us that extending unemployment compensation is one of the top two ways, along with food stamps, to stimulate the economy quickly. We don't have to wait until the IRS gets done with tax season, doing all the rebates and getting around to doing the additional rebates in May, June, and July; this can happen immediately. We go directly to those who, unfortunately, are not in a position to save but need to spend every single dollar that comes into their household in order to try to hold things together and not lose the house and to keep their family going.

All the signs show this will be a terrible recession for American workers. We are moving in a direction that is extremely difficult. The national unemployment rate has shot up to 5 percent, and experts predict it is going to rise above 6 percent in 2009. We have never had such a dramatic jump in unemployment without having a recession.

In many States the jobs picture is far gloomier. As I mentioned, in Michigan, we have an unemployment rate of 7.6 percent. That is one area where we don't want to be first. In fact, we are working very hard to turn that around in a number of ways. Other parts of this bill deal with alternative energy, and that is great for us because we are making those wind turbines and solar panels and the alternative fuel vehicles. We are working very hard to move ourselves out of that situation. But we have a lot of people who are working very hard who, through no fault of their own, have lost their job and have not been able to find another one in this economy.

In addition to Michigan's 7.6 percent, Mississippi is at 6.8 percent unemployment. Ohio, Alaska, and South Carolina are all over 6 percent and expected within the month to meet the trigger that is in this bill of 6.5 percent. That is a possibility. The unemployment problem is, unfortunately, getting worse rapidly. We had more than half a million workers join the ranks of the unemployed in the last month; 500,000 people who have become unemployed in the last month alone. Workers who have lost their jobs are having more trouble finding work today than in past recessions. Today 17 percent of workers have been looking for a job for more than 26 weeks, compared to only 11 percent in 2001.

Let me also stress that in the last package we had, the last stimulus package, we were looking at long-term unemployment of 11.3 percent, back in January 2001 when we were first talking about a stimulus and decided to include unemployment insurance. Now, as of December, this last December, long-term unemployment is 17.5 percent. It is 55 percent higher than it was when we started first talking about the last stimulus package in which we included unemployment compensation extension. I am very grateful to the

chairman, the leadership of the Finance Committee, and our leader, Senator REID, for speaking out about this and supporting our efforts to make sure this is in the package.

This problem is affecting workers all across the economic spectrum, even those with a college education and years of experience. We have engineers in Michigan. We have talented, well-qualified, well-educated people who find themselves in this situation of losing their jobs. There are nearly two unemployed workers for every job opening across the country, which is also critical to talk about. We have right now 7.7 million Americans who are competing for 4 million jobs.

Some people say: Well, if somebody is on unemployment compensation, they just don't want to work. If we extend that compensation for another 13 weeks or 26 weeks, people just don't work. That will be an incentive not to work.

I welcome anyone to talk to a family in Michigan and say that. The reality is, we have 7.7 million Americans competing for 4 million jobs. That raises a whole other host of issues I will not get into today about how we need to start exporting products and stop exporting jobs and all the other things we need to do to tackle this issue of a strong economy. The reality is for too many folks, that debate is not going to help. They are looking at, right now: Am I going to be able to keep the lights on? Am I going to be able to keep the phone on? Am I going to be able to make sure I can make a mortgage payment so my family is not out on the street? Those are the questions that are being asked. No one is finding themselves in unemployment insurance living it up. It is just about trying to help them keep the family together, keep things together until they can find that next job. This is what they are competing against.

Because it is becoming harder to find a job, more families are finding that our unemployment insurance system is not providing enough support because of the numbers. Mr. President, 37 percent of recipients, 37 percent of the people who are unemployed exhaust their benefits before finding a job, and more will follow as the recession deepens. And 2.6 million people ran out of benefits in 2007. Again, they were competing for jobs where there are not enough jobs.

These aren't just numbers. There is a lot of numbers that can make this case. But it is about millions of people, millions of Americans, millions of middle-class Americans, millions of people who are working hard to be in the middle class or fighting like crazy to stay in the middle class. That is what this is about. They are willing to work hard. They are looking for a job. They want a job. They are desperately concerned about losing their chance at the American dream for themselves and their families.

In good economic times, our current employment benefits are enough to

tide families over for the few weeks that it takes to find another job. I remember those times. Somebody needs some temporary help, they lose a job, turn around, go out on a few interviews and, a few weeks later, they have another job. But these are not those times. These are not good times.

Yesterday's alarming GDP figures show that economic growth has trickled to a near halt. Savings have plummeted. Debt is rising. Mr. President, 200,000 families each month risk losing their home. It is staggering, in the greatest country in the world. The Fed has cut short-term interest rates more rapidly than at any other time in history. It is clear that we are facing an economic crisis that will make it even harder to find a job in the coming months. Faced with these clear warning signs, we must act quickly.

Anything that we pass—and I sure hope it is the Senate Finance proposal because I think it is balanced, it is effective, it is targeted, and it is the right thing to do—has to include extending unemployment compensation for these families who have found themselves in such a traumatic situation. It is wrong to abandon them when they need it the most. It is the smart thing to do according to all economists. If we want to say we have done something that is targeted, that is quick, extending unemployment is much quicker than a rebate check. I certainly support the rebate check, but it is going to take a while to get those to people. Unemployment extension is much quicker. It is one of the quickest things we can do.

So from every angle, this is the right thing to do. Most importantly, though, I look at the families who are looking to us to do the right thing.

In the past we have waited too long, and working families have suffered. In the wake of September 11, the unemployment rate rose to 5.3 percent in October of 2001. There was a bipartisan consensus we should do something, but political gridlock prevented us from enacting anything until the following March of 2002. By that time, unemployment was up to 5.7 percent and went to 5.9 percent in April. The 2001 recession proved devastating for our economy and, unfortunately, too many families have not recovered from that time. The bill passed by the Finance Committee yesterday is a crucial step forward for our economy and for our workers and their families.

By extending unemployment benefits for 13 weeks and providing an additional 13 weeks of benefits in high-unemployment States, as I said before, we provide an immediate boost to the economy and at the same time help hard-working middle-class families weather this storm.

All of the economists agree: Each \$1 invested in benefits to out-of-work Americans leads to a \$1.64 increase in growth—\$1 equals \$1.64 in growth. That is clearly one of the top two things we

can do to be able to stimulate the economy. This compares to only pennies of stimulus in other areas.

No stimulus package will be effective unless it provides real security for families struggling the most. We have to address this issue. We have to address this unemployment situation.

Let me say, in closing, when we look at the coming year—in January of last year, average unemployment was 4.6 percent. At this time, it is 5 percent, although many areas are much higher than that. But it is projected that by next year the unemployment rate will go up to 6.5 percent. Now, granted, Michigan right now is at 7.6 percent. There are other States that are above 6 percent, above or close to 6.5 percent. But this is the direction in which we are going.

One of the things about acting now with an unemployment compensation extension is we can help those families at this moment who need help now. We can actually be ahead of the curve rather than way behind in helping a family be able to keep their house or to be able to put their family at ease, knowing that at least there will be something available.

The Senate Finance package makes sense. It is the right thing to do. On the business side, we not only focus on investments for those that are making a profit but for those that are not but are still making investments in important areas of the economy, such as manufacturing in Michigan. We extend critical tax credits for alternative energy production, which is critical. We make sure over 20 million seniors are not left out, that over 250,000 disabled veterans are not left out. We add a piece for State and local bonding authority for housing, which will help and support what the House did.

Then we do what I have talked about today: We remember the faces of the people who have worked hard to make this country great, middle-class families across this country who through no fault of their own and, I would argue, too much of the time through action of the current administration or inaction on what we need to be doing on enforcing trade policy or changing the way we fund health care in this country or doing other aggressive actions in order to keep jobs and expand jobs, find themselves caught in this economic downturn.

They are looking to us. If there ever was a time that they would expect their Government to act on behalf of middle-class America, it would be now. It is critically important. I am very pleased the Senate Finance package includes extended unemployment compensation. I hope when it is time to vote, we will see a very strong bipartisan vote on this issue.

Mr. President, before stepping down, I see my good friend, the ranking member, the Republican ranking member of the Finance Committee, on the floor. I personally thank him for working with us on an approach that is good for peo-

ple. It is good for families, individuals, for seniors, disabled veterans, good for business, looks to the future on energy. I appreciate his leadership, as always.

I am hopeful we will see a bipartisan vote that says we get it and we are committed and we are willing to move in a way that supports the economy and the families of America.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

#### ORDER OF PROCEDURE

Mr. CARDIN. Mr. President, I see two of my colleagues in the Chamber. I would like to take about 5 to 10 minutes in morning business. I want to make sure we have an agreement as to how we are going to be proceeding with my other two colleagues.

Mr. GRASSLEY. Mr. President, I think if it is just the two of you ahead of me, I will be glad to wait.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order be that I be followed by the Senator from Washington and then the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STIMULUS PACKAGE

Mr. CARDIN. Mr. President, let me share with my colleagues my experiences of traveling through the State of Maryland during these last few weeks. I had the chance to be on the Eastern Shore of Maryland this week. I have been to western Maryland. I have been to the urban centers.

I can tell you, there are families in my State that are hurting. They are uncertain about their future. They are not only worried about whether they should buy an automobile or go out to eat dinner, they are concerned about their economic security. They are not sure what tomorrow will bring. They see a shrinking of the middle class. They do not know how bright their economic future will be.

I have seen seniors who are concerned about their financial stability. They hear all this talk about trying to cut back on Social Security and Medicare, and they are worried about where they will be as far as being able to pay their bills. They need to know we are confident about America's future.

I must tell you, I think what the Federal Reserve did in reducing the prime rate was the right thing to do. It will have an immediate impact as far as reducing the prime interest rate, but it also instills confidence in our economy and in our future.

I believe the Congress has a similar responsibility. It is important we pass a short-term economic stimulus package as quickly as possible. But that package needs to be targeted. By "targeted," I mean it needs to put money in the hands of people who will spend that money, who will be able to help our economy, and it must be fair. It

must be fair to those who are really at risk because of the economic conditions our Nation is confronting.

I think the bill that passed in the other body was a good start. It was a bill that would provide money to basically middle-income families. I think that money is likely to get back into our economy. Just as importantly, it was a signal of confidence in our economy and confidence in America's future.

I believe it is our responsibility to try to improve that package. I thank the leadership of the Senate Finance Committee and my colleagues on the Senate Finance Committee for bringing out a package that I believe improves the bill that came over from the other body. It improves it in several ways. Let me just talk about three of the provisions because I think they are very important to a short-term economic stimulus package.

First, the Senate Finance Committee's recommendations would include low-income seniors. Now, low-income seniors are really concerned about their future. But just as importantly, it is not only the fair thing to do, the right thing to do, it is going to help our economy because low-income seniors, if you give them that check, are going to go out and buy something. That is going to help us. It is going to help the grocery stores. It is going to help the retail establishments. It is going to help the restaurants. It is going to generate economic activity. So it is in our interest to accomplish the objectives of an economic stimulus package to include low-income seniors. I am very proud the Finance Committee included that in their package they are recommending to us.

The second thing they put in their package, which I think is very important, is the extension of unemployment insurance benefits. All States would get an extra 13 weeks and, for those high-unemployment States, 26 weeks. Now, again, this is a matter of fairness. The people who are directly impacted by the downturn in our economy are those who are on unemployment, who do not have jobs, who have lost their jobs. We are finding that the unemployment rates are getting higher.

I come from a State that does not have a high unemployment rate. We have a rather diverse economic structure in Maryland, so we are not quite hit as hard as the rest of the country as far as employment numbers are concerned. But I am proud to support the provision and encourage my colleagues to support that provision which provides the extra benefits for those States that have been hit the hardest because they have people who are going to have a much more difficult time finding new employment. So it is a fair thing to do. It is the right thing to do during an economic downturn.

But it also is going to help our economy. If you give money to people who are unemployed, those individuals are going to spend that money. They are



going to spend it on basic necessities. That is going to help economic growth. It is going to help everyone in this country. So it is targeted, and it is fair.

The third provision that I really appreciate being in the Senate Finance bill is one to help the housing market. We have a housing crisis. In all parts of Maryland, we have homeowners, some of whom are in foreclosure and many others who are at risk of losing their homes. But we have young families that are trying to buy a home, we have people trying to sell a home, and they can't. There is a credit crunch out there.

The Senate Finance bill will at least start us on the way of trying to help the trigger for our current economic problems. I say "the trigger" because there were signs we were going to have a slowdown in our economy, but it was triggered by the mortgage crisis. In that regard, the Senate Finance bill does something about that. It is targeted to the problem we have in our economy.

So I thank the members of the Senate Finance Committee, the leadership, the bipartisan leadership of that committee for improving that package. It is a modest change from the House package in dollars, but it is huge as far as the impact it will have on the people in our communities in trying to deal with the current economic problems.

I thank Leader REID for being prepared to bring up this issue now. We cannot delay it. It is timely. It is important. We have to get this bill done. I appreciate our leader bringing this bill to the floor as quickly as we possibly can.

I have urged my friends on the other side of the aisle to please work with us. We might have some differences. Let's work out those differences. But do not use the delaying tactics of this body so we cannot vote on a stimulus package as soon as possible. We would like to do it today. If we cannot do it today, let's do it Monday. But let's get it done because the effectiveness of an economic stimulus package depends upon it getting out as quickly as possible. Part of it is a message to the people of this country. I think if we put aside our partisan differences and get it done, it will be an incredible message to the American people.

Let me also point out that once we have gotten that done, once we are able to work out this short-term stimulus package, I hope we can use the same spirit of cooperation for the long-term economic challenges we have in this Nation. We have long-term economic challenges to deal with if we are going to be as competitive as we need to be and if we are going to see the kind of economic growth we should have and see the growth of the middle class and middle-class families being able to enjoy the fruits of our society.

We need to deal with the frustrations of typical families in Maryland and around the Nation that are worried

about energy costs. They are worried about the cost of gasoline and filling up the tanks of their cars. They are worried about health care costs and the rising health care costs in our communities. They are concerned about the housing market.

We can use the same degree of bipartisan cooperation and focus, as we, hopefully, will have on the short-term economic package, on our long-term economic problems. Let's get energy independence in America. Let's bring down the cost of energy. Let's make it predictable. Let's not be dependent upon the whim of other countries. Let's develop alternative fuels. Let's do the conservation we need. Let's make energy more reliable and affordable and, by the way, more environmentally friendly. Let's bring down health care costs. Let's deal with the number of people who are uninsured—which is terribly expensive to all of us—who use our health care system in a more costly way, many times through the emergency room. Let's work together to bring down the cost of health care so it is more affordable and accessible to every family in our communities. Let's deal with the credit crunch in a responsible manner so homeowners who need to sell their homes have a market in which they can sell their homes and so families who want to buy homes have the resources in order to do that. That should be our challenge for 2008. If we get this package done and can address these underlying issues, then I think we have carried out the responsibility each of us has.

Mr. President, I am pleased we are on the verge of passing the short-term economic stimulus package. I urge my colleagues to make sure this is brought up quickly. I hope we are able to take up the provisions that are included in the Finance Committee package, and perhaps some additional improvements.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### HONORING MARTIN PAONE

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to speak about the economic stimulus, but before I go to that, I wished to take a moment of personal privilege to recognize a special member of the Senate family whose last day in the Senate is today, and that is someone we all know well: Marty Paone. He has been a tremendous asset to all of us. His good will, his steadfastness, the way he works with all of us, because he loves the Senate and understands the dignity of it and yet had a great passion for the work he was doing, will be missed.

Marty came to the Senate nearly 30 years ago and joined the Democratic cloakroom back in 1979 and worked his way up to become secretary of the minority back in 1995 and currently as secretary of the majority. He has been

a tremendous asset to every one of us. I speak on behalf of myself as well as all Members of the Senate in saying he will be greatly missed, but we wish him absolutely the best in his new career.

#### ECONOMIC STIMULUS

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk about the economic stimulus package.

In the last several years, millions of Americans have seen their primary source of wealth—their homes—plummet in value. As many as 2 million mortgage holders may lose their homes in this subprime crisis we are seeing. Investors around the world are now very concerned about the state of our economy. In my home State of Washington and across the country, people are very worried. We see Americans losing their jobs, we see them struggling to make ends meet, to buy groceries, to pay their power bills, even to afford health insurance. With our markets in decline, we have the opportunity now to give this economy a jump-start and help prevent a full-fledged recession.

Experts are telling us that taking action now to stimulate the economy by giving millions of taxpayers a rebate could help increase production and lift employment. Businesses—especially American manufacturers—need people to buy their products, and Americans need money to spend on those. I believe a quick stimulus bill that gives Americans some of their tax money back could make a real difference. But we also have to ensure that whatever action we take, it is temporary and targeted to where it can do the most good, and I am optimistic we can do that.

I wish to thank our House colleagues for coming to a quick agreement with the President on an economic stimulus package. Their proposal was a very good start, and I wish to thank Chairman BAUCUS and Ranking Member GRASSLEY for getting to work immediately on a Senate plan. I hope we can all agree to get a bill to the President by February 15 and get this economy moving again.

In the last few days, I have talked with several economists who have appeared before our Budget Committee. They have shared their analysis of what Congress can do to prevent our economy from a full recession, and I think the legislation that was passed by the Senate Finance Committee largely meets their recommendations.

The Finance Committee bill would give middle and lower income Americans a \$500 rebate check. It ensures that seniors who receive Social Security will get that rebate and, importantly, it extends the rebate to ensure that our disabled veterans who would not have qualified under the legislation at this point would get that rebate as well. I think this is particularly important. It restores the income cap so the rebates will go to the people who need it the most.



Any bill we pass has to ensure the rebates are targeted at seniors and working families. They are the backbone of our economy. They are the ones who need the money most, and they are the most likely to spend it. So you can be sure I will continue to fight any proposal that changes those provisions.

But I wish to add a few words to underscore the importance of including seniors in this bill. More than 20 million seniors depend on Social Security for their income, and they spend 92 percent of it—a greater proportionate share than all other adults—and seniors are among those who are hurt the worst during an economic downturn because of increasing health care costs. As our Finance Committee Chairman pointed out, seniors have worked hard all their lives, they pay taxes all their lives, and many of them still pay sales, property, and, of course, other taxes. So leaving seniors out of any stimulus bill would overlook their importance to our economy. It would make our stimulus bill much less effective and, most importantly, it would be enormously unfair.

I am encouraged by the progress we have made so far. I think a temporary, targeted stimulus is the shot in the arm our country needs. I have been pleased to see the President has been willing to work with us in Congress. I also believe there is a great deal more we can and should do that will help millions of struggling families and turn our economy around over the longer term. I know many of my colleagues agree. So I hope the President continues to see the value of working with us on longer term investments that will pay off for years to come.

One of those investments that I have high hopes will get us back to restoring our economy is a summer jobs program for teenagers. The unemployment rate for teenagers has jumped in the last year. For all teens, it is 17 percent, up from 13 percent in December of 2006. Among African Americans who are ages 16 to 19, it is almost 35 percent as of last month. Thirty-five percent unemployment for African-American youth between the ages of 16 and 19.

A summer jobs program would have a number of immediate and long-term benefits. We all know teenagers are likely to quickly spend any money they earn, so of course it would provide an immediate economic stimulus. But it also would work to begin to create a new generation of workers. Research shows teens who get work experience earn more over their lifetime.

Last November, I held a field hearing of my HELP Subcommittee on Employment and Workplace Safety at South Seattle Community College. We focused on the need to create a number of pathways, multiple pathways to career success for our young workers. We had representatives from the private sector, organized labor, and they all talked about the need for a new generation of skilled workers, while students said they were not getting enough in-

formation about career opportunities and options. I heard about the real need for green-collar workers and the dire need for skilled trade workers who drive our country's economic engines. Quite frankly, attracting these young people to our labor force is something I believe is vital to our economic future in this Nation.

But the summer jobs program I have been talking about has another benefit for our communities. Teens with jobs are less likely to commit crimes or join gangs. A columnist for the Seattle Post-Intelligencer wrote a story that caught my eye a few weeks back. It was about a 17-year-old boy who had been killed in what police believe was a gang-related shooting. The columnist, Robert Jamieson, interviewed some of the boy's friends for the piece he wrote. One friend said the boy had applied for nearly a dozen jobs, but couldn't get anyone to call him back, so he turned to other means. Tragically, we lost him in a gang-related shooting.

Tragically, too many of our young people face the same choice between joining a gang or sticking with a discouraging job search. That story, I believe, illustrates why a jobs program for young people is one of the most important investments we can make in all our futures.

I wish to work with my colleagues on a bipartisan basis to provide the opportunities and the resources to ensure that this generation of workers and the next have the skills employers need so we can compete in the global economy.

I also believe we can create jobs and stimulate the economy by making desperately needed investments in our infrastructure, including our roads, bridges, levees, and mass transit systems across this country. Investing in our infrastructure would create jobs and increase spending on construction materials that would immediately infuse millions of dollars into our economy. Do you know that for every billion dollars of Federal spending on highways and transit, we create a whopping 47,500 jobs. That is putting people to work. Those investments would pay off in the long term as well by helping ensure that our roads and bridges and mass transit systems are safe and they are strong.

Finally, we have to do more to address the housing crisis itself that has spread across this country. While the economy may be headed toward recession, the housing market is in a depression. According to the New York Times, the number of homes set for foreclosure is higher than at any time since the Great Depression. We are seeing communities in this country where people are literally abandoning their homes because they cannot afford their mortgages, and they cannot find a willing buyer. In this country, home ownership has always been a sign of prosperity, but now, for millions of Americans, it has become a trap. With each and every foreclosure, the foundation of every one of our communities weakens as well.

There were warning signs more than a year ago that this crisis could affect the entire Nation, but President Bush took a hands-off approach and ignored the problem. Regulators failed to take aggressive action. Now economists tell us the worst is yet to come.

Our economic strength depends on Americans having a safe and stable place to live and raise their families. Our economy will not be stable again until this housing crisis is corrected. We have to take action to help prevent more drastic problems, and we have to ensure that this situation can't happen again. Families facing foreclosure must be able to get mortgage counseling or help in refinancing their mortgages.

The Finance Committee bill includes as well critical tax relief which I support for businesses that were directly impacted by the home building industry, which has, as we all know, now come to a standstill. We must reform the lending system to prevent more families from losing their homes. I think we should have two main goals.

First of all, we need to modernize the FHA to enable the Federal Government to offer an alternative to nontraditional loans we have seen explode in the past several years. Secondly, we need to ensure that Government lenders can replace some of the worst subprime loans with sound, traditional mortgages. I believe those investments will have a positive ripple effect on the economy for years to come. I guarantee I will be back on this floor many times over the next several months pushing this Congress to take action.

The current economic trouble we face is a direct result of this administration's failure to plan for the future and lead us in the right direction. Similar to any family who prepares to balance its checkbook, we have to take stock of our finances and get our books back in order. American families understand how to live within their means. When they sit down and work out their yearly budget, they consider all their costs, decide how to invest in savings, and balance their checkbooks. The Bush administration inherited a budget surplus, but they squandered it with policies paid for by borrowing funds from future generations of Americans.

By waging a war in Iraq and failing to be honest about the true costs of that war, President Bush has racked up a mountain of debt with no strategy whatsoever to pay it back. Instead of looking out for the needs of everyday Americans, he allowed his friends on Wall Street to take massive paychecks, while allowing predatory lenders to work unregulated. At the same time, the Bush administration has failed to invest in our roads, bridges, in health care, in education, in energy independence, and in our safety here at home. These are things that help our citizens get to work, stay healthy and safe, and these are things that keep our economy stable over the long term. The longer we go without addressing our

crumbling highways, our skyrocketing health care costs or our dependence on foreign oil, the higher the costs will be when we have no choice and limited options to fix those problems. We saw that with Katrina. We saw it with the Minnesota bridge collapse.

Every family knows ignoring the need to spend wisely on things you depend on and failing to live within your means is a recipe for serious trouble down the road. So while the economic stimulus we are working on will do a lot of good in the short term, we have to insist that we deal with the real causes of our economic problems. It is time to take a lesson from American families: balance the budget, be honest about the true costs of this war, and think seriously about how we move forward. It is time to insist the Federal regulators who are supposed to watch out for economic trouble actually do their jobs.

It is time to stop ignoring our needs right here at home. President Bush has shown a willingness to work with Congress on this economic stimulus package. I hope he continues to see the value in working with us on the longer term policies that our economy and American families badly need.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I will speak on the stimulus package. Before I give a general overview of it, I want to say something about one of the several mistakes, or oversights, that is in the House bill. I don't mean to imply that these were known as oversights at the time. But one stands out so strongly you wonder whether the House is consistent in its approach to the issue of illegal aliens. I will speak from the standpoint of my experience with the children's health insurance bill.

You may be familiar with this phrase: "Where you stand depends upon where you sit." Nothing better illustrates that point than this debate and the issue of rebates for illegal immigrants. We are told we must pass the House bill and that changes are unnecessary. In other words, somehow you assume the House of Representatives passed the perfect bill and we ought to rubberstamp it. I disagree. I think the House bill makes it too easy in several areas, but especially in the area of illegal immigrants, to get rebate checks. According to Numbers USA, the House bill could allow as many as 3 million illegal immigrants to receive rebate checks. The House minority leader's spokesman was quoted in the press as saying:

There is no language in the measure that would enable illegal immigrants to receive a tax rebate.

There is no language whatsoever in the House bill that would prevent an illegal immigrant from receiving one of these tax rebate checks. My colleagues on the other side of the Rotunda should be quite familiar with this line of rea-

soning, because they devoted countless times on the House floor last fall trying to convince people that because the SCHIP bill didn't explicitly prevent States from covering children up to 400 percent of poverty, it must mean States can cover kids up to 400 percent of poverty.

The same folks who want us to believe the House bill is fine said we hadn't done enough to prevent illegal immigrants from receiving benefits in SCHIP, even though the SCHIP bill had this very language:

Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles 11, 19, and 21 of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under SCHIP respectively.

That was in our bill that passed last year. It is amazing how the standard has changed. The same people who said the language I just read wasn't good enough when we took up the children's health insurance program are now saying no language whatsoever is fine.

The simple fact is the House bill allows illegal immigrants to get rebate checks, plain and simple. It is important for us to fix that, and I believe we will before the bill leaves the Senate. We should not give rebate checks to people who have come to this country illegally, and we should give the House of Representatives an opportunity to fix this huge mistake that is in the bill they sent to us. I cannot imagine why anyone on the House side would complain about our doing that after all the uprising we had last fall about the Senate even considering the language I read—didn't do enough to prevent people here illegally—meaning illegal immigrants—from getting children's health insurance program. My recent experience in negotiating with the House on the issue of illegal immigrants and public benefits taught me that certain folks seem to care quite a lot about that issue, except somehow it was an oversight in this tax rebate bill.

I will quote from the debate on the SCHIP bill in the House of Representatives of October 25 of last year. I will not actually quote the Members by name. You can find it in the CONGRESSIONAL RECORD if you want to know who said it, but it doesn't matter who said it. It was an overwhelming opinion of people in that body—particularly Republicans. One Member alleged that the SCHIP bill tried "to give benefits to illegal immigrants while we still have Americans unserved." He went on to say, "that is not right. This is not fair. This is not democratic."

Suppose I put "tax rebates" in there in place of "benefits," and paraphrase it this way, with the same quote: "To give [tax rebates] to illegal immigrants while we still have Americans unserved. That is not right. This is not fair. This is not democratic."

Well, let's go on. If it weren't right there in the SCHIP bill, it is surely not right here in this tax bill. It is also not

fair. We should not leave some Americans unserved when it comes to rebates, such as seniors and disabled veterans, as they did in the House of Representatives, while we are going to let illegal immigrants get rebate checks.

I want to give you another quote. This is also from the same day, October 25:

I don't think our constituents want us to vote for a bill that makes it easier for illegal immigrants to get tax-paid health care.

That is the SCHIP bill.

I think this bill does that.

So if that were the case, then I would think that Member of the House would not want to make it easier for illegal immigrants to get tax-paid rebate checks.

Finally, here is a quote from September 25, 1 month before that, in debate on the SCHIP program in the other body, from a Member who used to chair one of the committees of jurisdiction over there:

What that means is that they want illegal residents of the United States of America to get these benefits. This is what the objection means. So for that reason alone, I would ask that we vote against this bill.

"For that reason alone," he said—regardless of what else is good about the bill, including the language the Senate put in, which was meant not to give the SCHIP program money to illegal aliens. It still wasn't enough. Yet now that tax rebate bill comes over from that very same body and would let illegal immigrants get rebate checks.

So I say, for that reason alone, it is a reason for this body to defy people in that body who said we should not have changed the Senate bill one iota. To my colleagues on the House side, the shoe is now on the other foot. The same principle that applied then should apply now. If you felt strongly enough to stop the SCHIP bill over your concerns about illegal immigrants receiving public benefits, then you certainly should not object to the Senate repairing a bill you sent us that would allow illegal immigrants to get a rebate check. You cared about it then; you should care about it now. You said it wasn't right then. Well, it is not right now. You said it wasn't fair then. Well, it is not fair now. The Senate will fix it. It was a mistake that the Senate will fix.

Let's get back to some history about the purpose of the Senate. For anybody to think a bill would come over here from the other body without fair consideration by this body, I have used this example before, and I don't know whether George Washington actually said this, but it has been in the history books so long that it is fact as far as I am concerned. He was trying to demonstrate to people then about the new Constitution and the purpose of the House and the Senate. He had a cup of coffee on a saucer. The cup with the coffee in it was the House and the saucer was the Senate. The hot coffee in the cup was a piece of legislation, I assume. So what he did to explain the

difference between the House and Senate is say this is the House of Representatives writing a bill. Then he poured out the hot coffee into the saucer. I don't know whether we do it anymore or not—I don't do it, but I have seen it demonstrated that you can pour it out to cool so you don't burn your tongue. He explained that the Senate's role was to give deep consideration, to let the pressure that comes upon a body that is elected for a 2-year period of time—a body that might be more responsible to the transient will of the majority, that that transient will of the majority needed to have a body to kind of rethink things, maybe verify that what the House did was absolutely right, or maybe verify that everything they did was absolutely wrong, or that a few changes might be made. And then, after that, the Senate passes the bill and it goes on its merry way to the President of the United States.

But I believe that people I have heard from lately, including, I guess, even our own President of the United States, have said that somehow the Senate ought to automatically take what the House did and forget all about the historical purpose of the Senate, and be on our way, with these mistakes in it—that a person who is illegally in this country could get a rebate check, when I doubt, if we are taking the needs of all of the people, that can help us revitalize this economy, through rebate checks and through enhanced investment.

Madam President, I also came to the floor to discuss this bill generally. I will start by thanking Chairman BAUCUS for his courtesy, hard work, and patience in this legislative effort. As we have in the past, we wanted to process the economic stimulus issue through the committee. That process started shortly after this session of Congress opened. We talked substance and process. We had discussions with the administration, especially Secretary Paulson. We had discussions with our leaders. We had two private meetings and took input from our committee members. We had two hearings on an economic stimulus.

Our goal in the Finance Committee was a bipartisan economic stimulus package. We both wanted a bipartisan economic stimulus package that responded to the needs of Americans and business and would provide a much needed boost for the economy. During this same period, the President sent a strong message that Congress must act, and Congress ought to act quickly to design a fiscal stimulus package aimed at boosting the economy. The President said such a plan would provide a "shot in the arm" to keep the economy healthy.

Last week, the bipartisan, bicameral congressional leadership met with the President. At that meeting, the Senate leaders more or less yielded the legislative process and the substance of this important question to the House and the Senate. In other words, Senate

leaders agreed that whatever package the House leadership and White House agreed on would be treated as a fait accompli in the Senate. The Senate leadership's sudden shift in direction caught Chairman BAUCUS and me by surprise and, as I noted above, we had already engaged in the committee process for several weeks.

We were fully engaged on a member and staff level. Many of our members and staff brought to the table the experience from three stimulus bills earlier this decade.

I respect the role of leaders here. My guess is Chairman BAUCUS and two-thirds of the committee members who supported the bill yesterday also respect the role of our leaders. Many in the leadership on my side of the aisle worried about the problem that might arise if the Senate had no role other than to rubberstamp the House bill. They are rightly concerned about the Senate processing a bill, dragging it out, and loading up the bill. Certainly, that is a reasonable concern. Certainly, that is something we find happening often in the Senate. But is that concern in itself so great that the Senate should abdicate all of its legislative responsibility? Is that concern so great that the Finance Committee members should have no say over legislation falling within its jurisdiction?

In my almost quarter century of service on the Finance Committee, I am not aware of any precedent such as this. I am also not aware of any precedent on the House side. At the end of last session, some in the House side might have complained about the outcome of legislation favoring the Senate position. I am not, however, aware of a situation where House leaders on either side virtually ceded their role in legislating on a tax bill this important. As I said, I respect the concerns of leaders about timing.

It comes down to this: The leaders' concerns with timing might weigh against the question of the quality of the House bill. In other words, is a "take it or leave it" House bill which passes quickly better than a Senate bill which allows the Senate to work its will?

I have laid out the leaders' concern about timing. Now we question the adequacy of the House bill. That is the other side of the balance we need to strike. I know other members on both sides have asked themselves the same questions, including Chairman BAUCUS. Chairman BAUCUS makes the ultimate call. Even if I had decided the importance of quick action outweighed the benefits of going through the committee process, the chairman would have made the ultimate call to go ahead. That was the call the chairman made back in 2002, and it was the call he made this time.

In 2002, I disagreed on the substance, and we had a party line markup, but the committee did process the stimulus bill. So to anyone on my side who says my opposition would have stopped the

chairman from going forward, check the history books. It did not stop the committee in 2002, and it will not stop it now.

The same outcome occurred in 2003, when I was chairman of the committee and Senator BAUCUS was the ranking member. We went forward in 2003. This time we were able to proceed in a bipartisan manner, and what did the committee process yield? Let's examine this side of the question. Asked another way: Did the committee process improve the House bill with Senate amendments?

One thing I heard loudly and clearly from Republicans was concerns about suffocating income limits. The chairman heard me out and agreed to eliminate them. Unfortunately, the support from the Republican side of the aisle did not line up with the principle I heard from them that they wanted included in the bill as a correction to the House bill.

On the chairman's side of the aisle, meaning the Democratic side of the aisle, there was great controversy over taking those limits off. We heard the uncapped proposal over and over defined as something specifically benefiting Bill and Melinda Gates.

To those on the left, let me tell you there must be a lot of Bill and Melinda Gateses out there. The reason I say that is \$12 billion of rebate checks is involved in going back to the House income caps. With the amount of checks capped, it means there are millions of families, not a few millionaires, who are being affected.

As I said, those facts did not move many on my side away from the House bill that contains those caps, so I revisited the issue with the chairman. The caps are back, but at a much higher level. They begin to phase out at \$150,000 for single taxpayers and \$300,000 for married taxpayers.

So we include a few more middle-income people. That is double the House income limits, helping more middle-income people.

It is safe to say the higher income limits will aid a lot of alternative minimum tax-paying families we hear about. From my perspective, this is a big improvement over the House bill. So if you support the Finance Committee bill, you are recognizing the burden these taxpayers' families bear through the AMT. I don't want to hear any more demagoguery about Bill and Melinda Gates getting checks because there is not going to be any more billionaires getting checks, no millionaires getting checks, no "half millionaires" getting checks. But a lot of upper middle-income families who will not get a check under the House bill will get a check under the Finance Committee amendments.

Most on my side would consider these higher income caps an improvement of the House bill. I particularly credit Senators CRAPO and KYL for bringing up this point in our Finance Committee meetings.

Some on the other side, especially those from high-income, high-tax blue States, will quietly support this change as well but not echo it because they don't want to face the chagrin of Members who think that nobody on the Democratic side ought to be concerned about anybody who has a little higher income.

At the other end of the income scale are 20 million low-income seniors. I underscore that point, 20 million low-income seniors. The House bill leaves them out entirely. The chairman's mark in the Senate corrects that situation.

In the House bill, you will not find seniors with Social Security income covered in this bill. You will find them covered in the Senate bill.

Since we do not have the bill text yet—I am holding up the chairman's mark—we made this happen by including Social Security benefits as a qualifying income in the chairman's mark, and here is what that mark says on page 3:

All eligible individuals are entitled . . . if they satisfy at least two of the following criteria: The sum of an individual's: earned income . . . and (2) Social Security benefits must be at least \$3,000.

That language is not in the House bill. Because that language is not in the House bill, 20 million seniors would not have gotten checks—if that House bill had been rubberstamped by the Senate.

During our committee process, many members discussed this defect in the House bill. As a result of careful Finance Committee member deliberations, we were able to improve the House bill.

Many disabled veterans do not get checks under the House bill. Here again, the House bill does not cover disabled veterans. Under the Senate bill, disabled veterans will be covered.

On page 2, the Finance Committee document says these words:

The provision modifies the chairman's mark to expand the rebate benefit to disabled veterans.

During careful Finance Committee deliberations, Senators LINCOLN and SNOWE filed an amendment to ensure that disabled veterans would be covered. The chairman incorporated that amendment into his modified mark. Does anyone think this is an inappropriate improvement in the House bill? I ask that of those who insist we rubberstamp this House bill, if they do not have guts enough to tell CHUCK GRASSLEY that be included, at least in their own mind, I hope they know they are wrong by not including the disabled veterans by saying we ought to rubberstamp the House bill. So the House bill, which some are insisting cannot be improved by the Finance Committee, excludes 20 million seniors and disabled veterans.

The House bill could also send checks to illegal aliens. That is right. As I said before, I spent a great deal of time on this point, for those who maybe missed

the beginning. The House bill, which some are saying is the best bill we can get and ought to be rubberstamped in the Senate, is going to allow illegal aliens to get checks before we take care of all the people.

Do my colleagues understand the House of Representatives passed a bill to give rebate checks to stimulate the economy, making it possible for illegal aliens to get checks but not 20 million seniors and disabled people in this country who are here legally?

I wish to be specific on the modifications in the chairman's mark, and here is again the document to which I am referring. On page 2, this is what the document says:

The provision denies the basic credit and the qualifying child credit to individuals if they do not include on their tax return a valid taxpayer identification number for: (1) themselves (and if they are married, their spouse) and (2) any children for whom the qualifying child tax credit is claimed. For these purposes, a valid taxpayer identification number is defined as a Social Security number.

Continuing the quote:

If an individual fails to provide a correct taxpayer identification number, such omission will be treated as a mathematical or clerical error. As under present law, the Internal Revenue Service may summarily assess additional tax dues as a result of a mathematical or clerical error without sending the taxpayer a notice of deficiency and giving the taxpayer an opportunity to petition the Tax Court. Where the IRS uses the summary assessment procedure for mathematical and clerical errors, the taxpayer must be given an explanation of the asserted error and given 60 days to request that the IRS abate the assessment.

This provision uses current IRS verification techniques. It ensures that the taxpayer getting the check is identified by the tax system.

During Finance Committee deliberations, Senator ENSIGN and his staff raised this important issue. Senator ENSIGN filed an amendment that was addressed in the modified chairman's mark.

The House bill has no such provision. Again—I am not going to keep holding up these bills—we have the House bill without this provision; the Senate bill with that provision. There is no language in the House bill to address a problem Senator ENSIGN properly raised in the committee. The committee bill improves the House bill by making sure illegal aliens do not get a check.

The Finance Committee amendment also beefs up the business stimulus package by adding additional years to the current law net operating loss carryback rules. The Finance Committee bill adds extension of unemployment insurance benefits. I know this was a big sticking point in the negotiations between the House and the White House. In this respect, I favor the House bill. My personal preference would be to eliminate this provision. It, however, was a key issue for all the Democrats. So in compromise—and we do not get anything done in the Senate

if we do not have some compromise; nothing is strictly Democratic or strictly Republican, nothing can pass here except under a process of reconciliation. So in compromise, the chairman has it worked out, and it was essential that it be worked out.

I pushed hard for investment energy incentives, and the chairman agreed with me in that respect. So the last piece of this compromise is an expansion of investment incentives to seamlessly extend investment incentives for wind, biomass, and other renewable energy projects. In committee, these provisions caught some criticism, and I expect we will hear more of the same during this debate. I will respond in detail when those criticisms are given.

I compliment committee members on finding a bipartisan middle ground. The committee stimulus package raises the caps on rebate checks, expanding the benefits to more middle-class Americans, Social Security recipients, and disabled veterans. It makes sure illegal immigrants do not get checks. It also expands some of the business relief, and it addresses unemployment. The energy investment incentives round out the package.

I ask Members to go back to the basic question of balancing quick action on a House bill—and that House bill being imperfect as I pointed out in this debate—versus improvements that were made by the Finance Committee. The House bill could be passed quickly without improvement or we could finish the process in the Senate and add improvements made by the Finance Committee. I would challenge anyone to argue that none of the improvements made by the committee process are important enough to finish the job in the Senate. I hope nobody comes over and tells us that, for instance, it is OK to give rebate checks to people who are here illegally.

Having made that point, Madam President, we could prove our leaders right if we load up the bill in the Senate. So we ought to keep our eye on the ball and not load it up because we want to get a stimulus package passed. We don't want that to sink. Christmas is over, so let's not make this the traditional Christmas tree that sometimes legislation becomes.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, today our country is facing difficult economic times. Economic growth is slowing, consumers have maxed out their credit cards and are cutting back on spending, and the value of the dollar continues falling while prices for gas and food rise. Daily we hear news about growing problems in the mortgage industry, forcing our neighbors into foreclosure. In my State of Wisconsin, foreclosures are up 27 percent from this time last year, and it will get worse as more subprime mortgages adjust to

unaffordable higher interest rates. Working families around the country are facing stagnant wages while prices rise, and their most important investment—their home—is losing value.

In response to this bleak picture, the House and Senate have been able to move quickly in a bipartisan way to try to head off a growing economic storm. It is a rare moment these days when Senators set aside their individual priorities and agree on legislation for the greater good. But that is what has happened with the economic stimulus package that we are currently considering. This package strikes a balance between rebates, business needs, and immediate relief, and I am proud to support the bill before us today.

The centerpiece of this legislation is a rebate of \$500 per individual and \$1,000 per couple, with an additional \$300 rebate per child. This will provide effective and efficient relief for families while jump-starting our economy.

We need to get this money into the hands of people who will spend it, so I applaud the Finance Committee decision to include income caps. Income caps ensure that recipients of the rebate—low- and middle-income working families—will put the money back into the economy.

Finally, as the chairman of the Special Committee on Aging, I want to voice my strong support for the extension of rebates to low- and moderate-income seniors. The House-passed legislation would leave out nearly 20 million elderly people from receiving the rebate, even though they are facing the same rising prices as everyone else. Seniors living on fixed incomes deserve to share in this rebate after paying taxes for all their working lives.

However, this package is not perfect. I was disappointed to see additional funding for food stamps was not included. As chairman of the appropriations subcommittee with jurisdiction over food stamps, the hunger and nutrition programs are something I take very seriously. The strain this economy imposes on lower income Americans is abundantly clear to me. Before we even understood we were headed toward economic crisis, we increased WIC funding by some \$600 million over the President's request simply to feed the people already in the program. And now that the crisis has become clear, how can we stand by and not do more?

I hope the Senate will soon act to add an additional \$5 billion in food stamp funding. With the downturn in the economy, we all know even more people will need a helping hand to put food on their family's table. We should increase funding for food stamps this year because we know there are families in dire need. And we should boost food stamps because we know spending will stimulate our economy. Every dollar spent on food stamps generates \$1.73 in economic activity, and it happens quickly. Eighty percent of all benefits are used within 2 weeks of being

sent out, and 97 percent are redeemed by the end of the month. And we don't have to create a new mechanism to deliver this stimulus. Adding food provisions to this package just makes sense.

I am pleased the Senate has come together quickly to move this important package. We cannot delay, and we should not let this bill get bogged down. We need to pass it soon so hard-working Americans get the helping hand they deserve when they need it most.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Madam President, first of all, I thank the chairman of the Finance Committee, Senator BAUCUS, and our ranking member, Senator GRASSLEY, for their combined tireless leadership in advancing a very critical piece of legislation, the stimulus bill that has been passed by the Finance Committee and will be considered by the Senate shortly. I thank them for spearheading such an important initiative in a very timely fashion. It is an issue of critical consequence to the Nation.

We know there is a decline in our economy. We are seeing the economic indicators, which I will speak to shortly. There is no doubt that across the board it is absolutely vital that we enact as quickly as possible a stimulus package to begin to address the erosion we have identified and that we have seen in our economy.

Again, I thank the chairman of the Finance Committee and the ranking member for working so quickly to address many of the issues raised on this very comprehensive piece of legislation, understanding that some of the issues that have been raised—even since the time in which the House of Representatives had voted upon their package, they also incorporated many provisions that I think are more targeted and will strengthen the bill that passed in the House of Representatives and the bill that had been negotiated between the House and the President.

I do think it is important for the Senate to have the opportunity to have its input on this bill that is going to be so vital to America and to our constituents and to make sure it is as precise and calibrated as possible in order to rejuvenate the economy and, hopefully, to galvanize some of the economic dimensions of our economy that have taken a turn for the worse.

It is imperative that we act in a timely fashion. I think changing the package and incorporating those issues

that are also essential to build upon the strengths of the legislation that passed in the House of Representatives are not mutually exclusive. We cannot afford to stand idly by as the economy continues to erode. That is why I think there is a collective conclusion that we have to develop a package that can be supported in both the House and Senate and will be signed by the President.

The Finance Committee held a number of hearings recently on the question as to whether to even have a stimulus package. I know there is debate on both sides of the political aisle and among economists as to whether it is essential. But the fact is, more than half of the economists surveyed in this country believe there is a recession that is imminent. So, obviously, we have a responsibility to take every possible step and every possible measure that can avert or at least mitigate the impact and the brunt of any recession.

Dr. Martin Feldstein, former chair of the Council of Economic Advisors for President Reagan, expressed his support for a stimulus plan. Last week, before the Senate Finance Committee, he said:

Because of current credit market conditions, there is a risk that interest rate cuts will not be as effective in stimulating the economy as they were in the past. That is why a stimulus measure deserves our attention.

It certainly deserves our attention and our informed decisions, in terms of what exactly should be considered in a stimulus package. No doubt, time is of the essence—we all agree on that—in passing a viable and effective piece of legislation. But our obligation, as well, is to be deliberative on one of the issues that is of great consequence to this country.

We have to develop the best possible package, building upon the strength of the House measure, and it must be targeted to those who need the support; and we need to rebuild the economy and, hopefully, avert any potential recession. We have to strike the right balance because, obviously, that will be central to averting a recession, avoiding it, as we face a confluence of historic and unprecedented economic indicators that are profoundly troubling.

We can anticipate more than \$600 billion in resets in the adjustable rate market in the spring, which is, of course, on top of all the resets that have occurred recently. We are experiencing a housing crisis. Recently, the Commerce Department indicated that the drop in home prices is at the lowest since they began keeping records in 1963. Likewise, the price of oil per barrel has now skyrocketed and spiked recently to \$100 per barrel. Gasoline is approximately \$3 at the pump, and we can anticipate, according to a report even of today, that it may go as high as \$3.50 per gallon. The number of long-term unemployed today is nearly twice the rate of the unemployed immediately prior to the recession of 2001 and 2002, when we extended unemployment benefits. So we have seen the

long-term unemployment rate jump significantly.

We have had an unemployment rate that surged most recently, in the short term, from 4.7 percent to 5 percent in 1 month alone. Obviously, we don't know what to anticipate in future months. That is why it is so critical to have the stimulus package in place.

Most troubling is what the Commerce Department indicated yesterday: that a growth in the gross domestic product has slowed to .6 percent in the fourth quarter of last year, for an annualized rate of more than 2.2 percent for 2007. That happens to be the slowest annual rate of growth in 5 years. So there is no question that we must use the fiscal tools at our disposal to mitigate the impact of a slowing economy and, hopefully, avoid any potential recession.

One of the economists who appeared before the committee—Dr. Jason Furman of the Brookings Institution—echoed as much when he said that “a well-designed fiscal stimulus in the form of increased government spending or tax reductions, has the potential to help cushion the economic blow.”

So the package agreed to yesterday in the Finance Committee, in my view, meets this challenge and achieves those goals. It is well-balanced, effective, and it will stimulate the economy through some key provisions that I think are essential, in terms of addressing the problems we are facing. One is the refundable tax rebate, of course; that is, to spur the buying power of all Americans across the board, but most especially low-income and senior consumers, which is important.

The House-passed package doesn't include a benefit for senior citizens. It doesn't include the more than 20 million seniors on fixed incomes. They would not benefit from the stimulus package enacted in the House of Representatives. It doesn't include an extension of unemployment benefits which, again, I might add, economists have identified as one of the surest ways to impact the economy. You will have the most affect on spending almost immediately—in fact, some economists have said within 2 months, as opposed to the rebate, by the time it passes the Congress and is signed by the President, but also because of the length of time it takes to distribute it. Even under the most efficient means possible, we will not feel the effect of it until the spring or later midyear. So then it would take a while to really be absorbed into the economy so that an extension of unemployment benefits would become essential and pivotal. In fact, the Congressional Budget Office said it has the greatest amount of cost-effectiveness and the least amount of lag time before it is felt in the economy, it has the maximum amount of impact on the overall economy in terms of its effectiveness, and it has the most certainty about the impact it will have on the economy to spur economic spending.

Finally, we have an extension of the energy tax incentives. People say we should not have the energy tax incentives in this legislation. Yet it is interesting to note that it would create more than 100,000 jobs, by industry estimates, by the end of the year—100,000 jobs. The whole goal and focus of this legislation is to create more jobs, and if we know definitively there are provisions that will create more jobs immediately because of pending projects, then doesn't it make sense to include them in this legislation? It will spur economic activity or spur consumption, and it will reduce our dependency on imported oil.

Investment incentives for small businesses will also be included in this legislation to work in conjunction with other initiatives through job creation by providing for expensing for small businesses so they can write off more of their capital investments or be able to use the extended carryback of operating losses and extending that period from 2 to 5 years so they can reach back further. They have their choice of incentives, whatever works for a company. They may be in a struggling situation, and they can write off their losses of current years against their profits of past years. It makes sense to put these provisions and incentives in one single package that will help to spur the economy.

In addition, of course, is the bonus depreciation as well—another dimension of economic investment that can make a difference in serving as a catalyst in our economy.

Finally, in this legislation, we include a provision that was omitted in the House of Representatives package, and that is one that would make sure our disabled veterans benefit from the stimulus package, benefit from the rebates.

I thank my colleague, Senator LINCOLN, for initiating this amendment. I joined her in that effort in the Finance Committee because we thought that was a major omission, to exclude more than 250,000 of our Nation's service disabled veterans because their compensation is not taxable. We wanted to make sure they should be able to participate in the stimulus plan. Our disabled veterans deserve to be part of the rebate plan, and this package makes sure that happens. I appreciate my colleagues on the committee who supported this pivotal provision.

This legislation casts a wide economic net, and that makes it more equitable, especially to the most vulnerable among us in America. It doesn't merely represent sound economics to propel this stimulus, but it is also in greater alignment with Federal Reserve Chairman Bernanke, who said that a fiscal stimulus package should be implemented quickly and structured so that its effects on aggregate spending are felt as much as possible in the next 12 months or so. The measure we will be considering and debating does affect the aggregate. It does ensure

that its impact is felt as much as possible, and it does so on a more accelerated timetable.

The tax rebate incorporated in this legislation is obviously central, and the refundability makes it all the more effective. That is why I was a strong advocate in ensuring that refundability was part of the stimulus package, that it certainly had to be included to make sure the low-income and middle-income Americans and households would have the ability to have the benefits of any rebate because it would also make a difference in stimulating our economy because two-thirds of consumer spending is really what drives our economy. It is the economic engine. We depend on consumer spending to drive our economy. So the refundability portion is very important because it will make sure those people who benefit from this rebate are ones who also need this rebate. They need it to pay for the necessities of daily life, given spiraling costs in terms of oil, food, and gasoline. We want to make sure we can mitigate the impact of this declining economy and the rising costs in their households.

When we had various witnesses before the committee, we talked about the effectiveness of the refundable tax rebate. In fact, the Hamilton Project, which was conducted by economists at Brookings Institution, noted that a one-time tax rebate equal to 1 percent of the GDP, which is about \$140 billion in today's economy, and directed at households likely to spend money would boost the level of GDP by 1 percent or more for two consecutive quarters, increasing the annualized GDP growth rate by about 4 percent in the first quarter of the effect.

So if the aim of this bill is to arm American consumers with additional money to stimulate consumer spending, it is integral that this benefit is extended to the 20 million working families and the 20 million seniors who were omitted from the House bill who are more likely to spend the money that will be included in the stimulus package.

The package which is before the Senate which was enacted by the Finance Committee will be absolutely vital to low-income Americans and to seniors who otherwise would not have benefited from the package which was enacted in the House. So, again, the Senate Finance Committee package builds upon the provisions that were incorporated in the House legislation and are strengthened in the package that was marked up in the Senate yesterday.

I think it is absolutely critical that we make sure no one is left behind when it comes to benefiting from this rebate that is directed at low-income and middle-income households because they are the ones who are most likely to spend this rebate because of the driving costs of, as I said, oil and food and the daily necessities of life.

I also think it is important to extend the unemployment benefits, as I said



earlier. The fact remains that the unemployment rate for the long term is twice as high as it was in the recession in 2002. We included extension of unemployment benefits. After all, if the purpose of this package is to put in place the fiscal tools to make sure we can do everything within our power to avert a potential recession, then we have to make sure these tools are absolutely in place to make sure we can avoid a potential decline in our economy that leads to a recession.

In my home State alone, the case for an extension is undeniable. As the State department of labor reported, the announced layoffs for February and March are up an unconscionable 75 percent over the layoffs that occurred in December and January. Unemployment is increasing, certainly in my State. We have seen it reflected in the recent numbers. We have no way of knowing the extent to which it will get worse, but we do know by all accounts and certainly by the economic indicators, by the general consensus of economists, that a recession is a potential, that it could potentially be imminent in the short term. So all the more important to put in place a provision to extend unemployment benefits because it will have the maximum effect in our economy to impact direct spending. Also, I think it is important that it will stimulate the economy. In fact, Mark Zandi of Moody's Economy said that every dollar spent now on unemployment will result in an infusion in the economy of more than \$1.64 cents.

So the beneficiaries of this extension certainly will be those who have been unemployed for the long term, who have seen their benefits expire. If they have already exhausted their 26 weeks of benefits, they will have an additional 13 weeks. For those high-unemployment States, which is triggered at 6 percent or more, they will then get an additional 13 weeks of benefits. It would provide an immediate infusion of cash through a very reliable mechanism that is already in place to the people who very likely will spend that money on consumer goods.

The fact is that long-term unemployment is twice as high today as it was in 2001 and the 2002 recession at a time when oil was only \$25 a barrel, and today we have seen it is almost \$100 a barrel. We cannot afford to ignore this potentially dire situation which this long-term unemployment rate poses. That is why I think it is absolutely important that we do everything we can to ensure that a stimulus package includes the extension of unemployment benefits.

I also am pleased that we have energy tax incentives, as I said earlier, as well. Energy production tax credits will be extended in the first quarter of this year. By all industry estimates, it is indicated that we could create more than 100,000 jobs. I know in my own State of Maine, with some of the investments that have already been made in wind power, for example, there is

more than \$1.5 billion worth of projects that are pending, that are waiting for this energy tax credit.

We know that in the final analysis, we are going to enact an energy tax credit that will cultivate the renewable sources of energy we need to generate in this country so we can reduce our dependency on foreign oil. What better way to do it than through tax credits. We know they have worked, and we know that later this year we will be considering these energy tax credits to extend them. So why not extend them now if we are certain it is going to create jobs? As I said, by industry accounts, the experts have estimated that more than 100,000 jobs will be created as a result of these tax credits.

So it is unquestionable in terms of the benefits economically, it is unquestionable in terms of the benefits to our energy security and our independence, which is inextricably linked to economic security and progress. I do not think anybody in this Chamber can believe that lessening our dependence on oil and lowering its price per barrel, which these approaches will facilitate, will not prove to be an immediate boon to our economy. So these incentives are necessary, in my opinion, because they also address the root causes of our current downturn.

I hope, in the final analysis, when we get to the question of a stimulus package, we will also include financing for low-income fuel assistance.

Two years ago, I advanced a billion-dollar initiative in increasing financing for low-income fuel assistance. At that time, heating oil was \$2.44 a gallon. Today, our families, households are paying an inconceivable, incomprehensible increase of \$3.45 a gallon—nearly \$3,000 just to get through a winter. The average resident in the State of Maine uses about 850 gallons to 1,000 gallons, so that cost is near \$3,000. The eligibility income for low-income fuel assistance is approximately \$13,000. It takes more than a quarter of their income to pay for heating their home—more than a quarter of their income, of the \$13,000. It is absolutely inconceivable that any family could live on \$13,000 and pay more than a quarter of their income toward home heating oil that continues to rise as we speak when we are talking \$3.45 a gallon.

It is only right we fund this indispensable program. We have provided some increases. It is clear we need to do more, and what better way to stimulate the economy and to ensure households have the benefit of an increase in low-income fuel assistance than providing it as part of the stimulus package, particularly at the time of crisis for households in the cold weather regions of this country. I know there will be an amendment offered at the time we are considering the stimulus package.

Finally, I wish to mention as ranking member of the Small Business Committee that there are two vital provisions, as I said earlier, regarding small

business expensing and the extending of the carryback period of operating losses from 2 to 5 years. They are critically important initiatives because they certainly will be a great catalyst for the generation of jobs in America. Small businesses are the key to job creation in this country, key to our economy. They are responsible for creating two-thirds of all new jobs in America. They represent 99 percent of all of our employers. They represent half of the employees in this country, so they are pivotal to the success or failure of our economy. The more we can invest in small business, the more we will see the benefits in terms of job creation. That is indisputable by any measurement, by any account; that they are able to create the kind of jobs directly that benefit our economy, benefit the people we represent, and they can make that investment quickly.

That is certainly true when it comes to expensing, where they will be able to write off up to \$250,000 in this initiative, where they will be able to use bonus depreciation, for example, and other important investments for capital incentives, and also as well for the carryback period, in extending and reaching back to 5 years. Any one of these initiatives or in combination is going to be absolutely vital to helping generate new jobs in our economy and helping to mitigate the downturn in our economy.

The gravity and the urgency of our economic situation cannot be overstated, and it unquestionably requires swift and decisive action. So I hope at the time we consider this stimulus package, there will be strong support for the initiative that passed the Senate Finance Committee.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I understand the leaders may well be coming to the floor here in the next few minutes, and certainly when they arrive I will defer to them for the business about which I know they will want to inform the Senate.

#### DEVELOPMENTS IN IRAQ AND AFGHANISTAN

Mr. CORNYN. Madam President, I wish to talk about the global war on terror here for the next few minutes, and to recount some very good progress we happen to be making in Iraq and that the Iraqis appear to be making. I realize that because the news is not as bad as it once was, it has now fallen off the front page of the newspaper. Yet I think it is very important not only to our national security but because we are being asked to support our men and women in uniform in a variety of ways that we keep close track of the developments occurring both in Afghanistan and in Iraq. That is the subject of my comments.

First, I acknowledge a report from the Associated Press indicating that



one of al-Qaida's top commanders in Afghanistan, and a key liaison of the Taliban, Abu Laith al-Libi, was apparently killed in military action at the Pakistan-Afghanistan border. Reports indicate he is actually the fourth person in command of the al-Qaida and the Taliban, right after Osama bin Laden, al-Zawahiri, and Mullah Omar, demonstrating that we continue to take the fight on the offensive against the very people who are responsible for perpetrating the murder of 3,000 Americans on September 11, 2001.

I believe one of the reasons why we have not had a repetition of that horrific day on our own soil is because of the skill of our men and women in uniform, the weapons we have equipped them with, and the intelligence they have been able to gather that allows us to detect and deter terrorist activities not only on our soil but in Afghanistan against ours and allied troops, as well as Iraq. I think that is a bit of good news that we ought to acknowledge.

Secondly, let me say the reason I wanted to come to the floor was precipitated by my visit in January to both Afghanistan and Iraq, where I had a chance to not only meet with Texas troops who are fighting in both of those countries but also military commanders from my State and across the United States, and to learn more as a Senator and member of the Armed Services Committee about the progress in both Afghanistan and Iraq.

I was pleased to meet with GEN Raymond Odierno, from Fort Hood, TX, who is basically the second in command for General Petraeus, head of Multinational Forces, and who I know will be returning, along with many Texans, to Fort Hood in February, much to his family's pleasure. I know after all the time General Odierno has spent in Iraq, his family will be glad he is coming home, and particularly after the good news that was reported to me there and that I want to summarize here.

The good news is that, as General Odierno said in a story in the Washington Post, reported today, we are going to be bringing back about 40,000 troops from the height of the surge until next summer, and then have what General Odierno called a strategic pause to sort of assess the stability of the military and security environment in Iraq. Of course, the hope is always that we can continue to bring more and more troops home, but as I heard in Iraq over and over, as the Iraqis stand up, we will stand down. That was the plan all along. But again, good news.

General Odierno, in this article, was asked: Do you consider Iraq fragile? We have heard that phrase used over and over. While we have been successful, and the Iraqis have been successful, the conditions are still somewhat fragile. General Odierno was quoted in this article as saying: I think if we move forward with operational patience, it isn't that fragile. But he continued. I think if we leave tomorrow, it would be very

fragile—which underscores, to my way of thinking, the importance of us drawing down our troops based on conditions on the ground and not based on some arbitrary or political timetable. If we did that, if we drew the troops down in a precipitous fashion based on some deadline we impose, without regard to circumstances on the ground, in General Odierno's terms, that would create a fragile security situation and perhaps even reverse the significant gains that have been made.

We see another bit of good news, and this is in the Mideast Stars and Stripes today, that an operation led by Iraqi forces and supported by American troops has reopened the main highway linking Baghdad and Dyalah Province after 16 months of being in insurgents' hands. That is good news, and another reversal for al-Qaida and the insurgency in Iraq.

This chart indicates the locations of al-Qaida in Iraq in December 2006 and the battle of Baghdad that led to the actual surge. You will see, Madam President, on my left here—to your right—the improvements demonstrated by the shrinking of the red areas, which indicates the presence of al-Qaida in Iraq in December of 2007. This is presurge; this is postsurge. Not only is this a surge of American troops, but during the same period of time in which we surged additional American troops, there were an additional 100,000 Iraqi policemen and military recruited and trained, as well as some 70,000 citizens in these concerned local citizen councils.

We have heard about the Anbar awakening, where people who had thrown their cause in with al-Qaida had finally gotten tired of their barbaric practices and their treachery and had begun to cooperate with Americans and Iraqi forces. That has led to what I would call—some have called—a concerned local citizens council. I have told people it reminds me of a neighborhood watch on steroids. What it does is provide intelligence as to the locations of improvised explosive devices, and perhaps insurgent or terrorist activity, which has allowed our troops and the Iraqi troops to work with the local citizens to help shrink the influence of al-Qaida in Iraq, as indicated by the comparison between this chart on my right in December of 2006, presurge, and postsurge 2007, in December. So that is obviously good news.

We also have four snapshots of sectarian violence in the city of Baghdad. You will recall that at one point we heard from some Members on the floor that the Iraqis were on the verge of a civil war because of the ethnosectarian violence. You will see here that from December 2006, as indicated by the yellow and red, how much of Baghdad was consumed by sectarian violence. This, of course, had all along been the aim of al-Qaida, to incite the sectarian hatred and violence in a way that would consume Iraq. And we saw, in December 2006, that was unfortunately enor-

mously successful. But you can see from December 2006 to December 2007, presurge to postsurge, how these areas of yellow activity are shrunk, and virtually none of the red, the highly intensive sectarian violence, is occurring.

So here we see, in a very remarkable contrast from presurge and postsurge, a reduction in ethnosectarian violence, a dramatic improvement, and perhaps best evidenced by the fact that many refugees are moving back from other places to their homes in these areas.

Finally, perhaps most demonstrative of our success is these charts which indicate an overall drop in attack trends. This chart starts in December of 2006 and ends in December 2007, indicating a tremendous reduction—by about two-thirds—in the number of overall attacks in Iraq. Again, a significant improvement.

I think those are all the charts I have, but let me say that I also acknowledge the tremendous success the Iraqis have made when it comes to political reconciliation. That is another thing that, of course, we all had hoped for. In our meetings with Iraqi leaders—Shiites, Sunnis, and Kurds—we said: Congratulations on the success of this surge of Iraqis and multinational forces, leading to an improved security situation. But Senator COLEMAN and Senator ISAKSON and I, in our visit there, told Iraqi leaders: Now you need to continue your political surge, now that the security situation has improved considerably.

We know as a result of the improved security situation that the Iraqis have now begun a sort of political reconciliation, both at the local, or tribal, level and at the provincial level, which has led to greater security, but also at the national level. They have passed, finally, one of the benchmark pieces of legislation that many Members of Congress had urged them to pass from time to time, known as the deBaathification reforms. The Iraqi Council representatives passed what they called the accountability and justice law, which represents a significant step forward in the political reconciliation between the various sects and bringing back into the Government, back into society, some of the baathists who are at the local level—after they have been vetted to make sure they are no longer a threat. Because of Saddam Hussein's influence, people could not teach in schools, could not engage in civil life unless they were a member of the Baath party. Well, thanks to the Iraqi Council of Representatives, they now have an opportunity to reengage in civic life in Iraq in a way that is very important.

We also know the Iraqi leaders have passed a budget and an important pension law. Recently, Iraqi health care providers gathered in Baghdad for a 2-day medical conference, the first of its kind in more than 15 years.

Madam President, I know we have other colleagues wishing to speak here

on the floor, and I am about through with my comments, but I think it is worth reminding ourselves and reminding the American people what the impact has been of this surge of American and Iraqi forces thanks to the counter-insurgency strategy devised and deployed by GEN David Petraeus. I had an opportunity to see General Petraeus and Ambassador Crocker in Baghdad. They are pleased with the success they have seen, both militarily and from a diplomatic perspective. But they obviously recognize that things still need to continue on the trend toward improved relations, and the Iraqis need to continue their political reconciliation.

I think it is very important, as the story of Iraq tends to go from the front page to perhaps the middle of the newspaper, or from the top of the evening news into perhaps not even being the subject of a news story, that we recall for ourselves and for all Americans the contributions our brave men and women in uniform have made.

This will not only protect our vital national security interests but make sure other people across the world, in places such as Afghanistan and Iraq, can enjoy the blessings of liberty. To me that has been one of the most noble things America has continued to contribute, even to people whom our young troops have not met, to be able to deliver to them the opportunity to live in peace and to achieve their potential.

To me, that is one of the greatest things about this country of ours, that people will put themselves in harm's way, they will risk death itself or serious injury to help other people enjoy those blessings of liberty.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from Washington.

#### ARMY SUICIDES

Mrs. MURRAY. Mr. President, I rise this afternoon to talk about a subject that is very important to all of us. I listened to the Senator from Texas lamenting the fact that the war in Iraq has not been on the front pages of the paper recently.

Well, I am here today to say: Actually, it has been. In fact, on the front page of the Washington Post today, an article, "Soldier Suicides at Record Levels. Increase Linked to Long Wars, Lack of Army Resources."

We are hearing several news outlets today reporting on the front pages of papers and in headlines that suicides among our Active-Duty soldiers are at the highest rates since the Army began keeping records back in 1980.

According to those reports, 121 soldiers took their own lives last year. That is nearly 20 percent more than in 2006. The number of attempted suicides and self-inflicted injuries has dramatically increased since the start of this Iraq war. Those findings are tragic.

I know all our hearts go out to those families, their friends, and to the fel-

low soldiers of each one of those service men and women. Our great servicemembers who face deployment after deployment without the rest, recovery, and treatment they need are at the breaking point.

Many of them have seen their best friends killed, they have seen other untold horrors. Yet we still are expecting them to head back to the battlefield to perform unaffected by what they have seen or gone through.

While military suicide is back in the press today, those of us who travel across our States, who go home and talk to servicemembers and veterans who are struggling with mental health care, we know this is an issue, we know it all too well. We know that for family members who live through this tragedy, the pain stays long after those headlines fade.

We owe it to our servicemembers and their families to be outraged when these numbers are going up and up and up and not down. We owe it to them to demand action. On Monday, in his State of the Union Address, the President called on us, Congress, to improve the system of care for our wounded warriors and help them build lives of hope and promise and dignity.

Well, Congress has given the military hundreds of millions of dollars to improve its mental health care system. We have worked hard and pushed through legislation to require the military and the VA to destigmatize mental health treatment, to help increase the awareness of the symptoms of post-traumatic stress disorder and do further reach on traumatic brain injury.

But it takes more than money being thrown at the problem, it takes leadership and it takes a change in the culture of war. The President can make all the platitudes he wants, but as Commander in Chief, he needs to lead by example and show he understands what these never-ending deployments are doing to our troops and to our veterans.

While the Department of Defense has taken some action, today's report makes me deeply concerned that progress has not been made and that these programs have not been implemented throughout the system. Some of our soldiers are telling us all they get is a 1-800 number to call if they need help.

Well, many soldiers need a real person to talk to. They need psychiatrists and they need psychologists who understand the horrors of war and the stresses these troops feel after serving their third or their fourth or even their fifth tour of duty in an urban theater.

Too many of our troops today say they cannot even get the military to understand when they are crying out for help. As I said, the Washington Post reported this morning on the military suicides, with an update on Lieutenant Whiteside. The Post wrote about this case the first time in December. She is the 25-year-old medic, an Army medic who attempted suicide

in theater. Then she was charged by her superiors with endangering another soldier.

Now, I met with her father before the Senate Veterans' Affairs Committee when we were hearing the nomination of General Peake. Lieutenant Whiteside had experienced a mental breakdown from stress serving in Iraq and she suffered from "demonstrably severe depression," according to her doctors.

But the story revealed that medical opinion was brushed aside in her case and her superiors in the field said: "Mental illness is an excuse."

Well, this past Monday, she was awaiting the Army's decision whether she was going to be court-martialed or not, and she swallowed dozens of pills in another suicide attempt. The Post reported today she left a note that explained: "I am very disappointed in the Army."

According to this article, Lieutenant Whiteside is now in stable physical condition and the charges have finally been dismissed.

But, unfortunately, she is not the only soldier who has struggled to get the Defense Department to understand the real trauma of military service. Her story and the statistics that are being reported today are a reflection of something many of my colleagues and I have said over and over: A prolonged war has stretched our military thin and is taking a tragic toll on the brave men and women who serve in our all-volunteer Army and military. They deserve more.

Some members of the Joint Chiefs of Staff have raised concerns that prolonged and repeated deployments are placing the overall health of our servicemembers at risk. David Rudd, who is the chairman of the Department of Psychology at Texas Tech University and a former Army psychologist, was quoted in this article this morning as saying the Army suicide rates pose:

Real questions about whether you can have an Army this size with multiple deployments.

Over the past weeks, both the President and White House officials have hinted that a reduction of troops in Iraq is likely only temporary. As a result, I continue to be very concerned about the readiness of our military and our ability to sustain these wars in Iraq and Afghanistan.

I think we need to ask the question: With the reality of today's reports and the knowledge that extended troop deployments are stretching our military readiness, I want to know, what is the Pentagon's plan to address and decrease the number of Army suicides and suicide attempts?

This afternoon, I wrote a letter to Secretary Gates, and I asked him that question. I want to hear his response. We need to know that the change in culture is more than a talking point; we need to know and be assured our senior leaders in the military are ensuring that their words and programs are being executed out in the field.

Our troops are heroes who are sacrificing for this Nation. It is time for this Government to wake up and provide them with the care they need.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I wish to express my appreciation to one of the best soldiers we have ever had in the Senate, the Senator from Washington, Mrs. MURRAY. No one looks out for the troops more than she does. Her statement today is certainly reflective of a problem we have with suicide, which I know something about.

#### LYLE SENDLEIN

I want to make one brief correction in the statement I gave this morning—not a correction, an addition. I talked about National Football League players and how they are not treated right, the old-timers who have been hurt playing professional football.

I talked about someone I went to high school with by the name of Rupert Sendlein, who was a fine high school football player. But his son was an All-American at the University of Texas, played many years of professional football.

What I said this morning is that his grandson, Rupert's grandson, Lyle, was also a star All-American football player at the University of Texas. What I failed to mention is he started a number of games this year for the Phoenix Cardinals. He is much bigger than his father and his grandfather. He is 6 feet 6 inches, weighs 310 pounds, and is also a professional football player. I want the RECORD to reflect that I forgot to mention he was playing professional football.

#### ORDER OF BUSINESS

There will be no rollcall votes today. I am disappointed we have had one rollcall vote all week. There is no reason to point fingers. It sometimes happens. We have two extremely difficult areas of legislation, one dealing with the Foreign Intelligence Surveillance Act and the other dealing with the stimulus package. These two things have been very difficult to work out.

I have been told, with the last conversation I had with the Speaker, as a matter of fact, to try to work out one of the chinks we had on our side with the FISA legislation. I think that is worked out on our side. You never know what is going to come up.

But that is the way it is. It is my understanding the Republicans are going to now, once the agreement has been written, they are going to hotline that and see if we can get that done. But regardless of that, the Republican leader and I spoke a while ago, and we hope we can get this done so it will give us a way to end this early next week.

But there will be no votes today. It would not be fair to everyone to start on this bill, as we would not be able to

do it for another 45 minutes or an hour the way things go.

I wish to say a couple things. The package we got from the Senate Finance Committee yesterday deserves the attention of the American people and deserves the attention of this body, Democrats and Republicans. Why? Because it is a stimulus package. Is there anything wrong with the House package? Of course not. It is a good package. But ours is so much better. If we are talking about stimulating the economy, I think we need to understand that 21.5 million seniors will stimulate that economy. And they would get one of these rebates, all 21.5 million of them.

If we are concerned about stimulating the economy, who would spend it more than disabled veterans? We have 250,000 disabled veterans who are part of our package. That is important and that is good.

Unemployment benefits. I am not here to boast about it, but my State, the State of Nevada, for the first time in a long time, has a problem with unemployment. We had, for 20 years, the most booming housing market in the country.

People thought they were economic geniuses. They were buying homes and selling them. But when the downturn came, almost half the people who are in foreclosure did not live in the home. They are buying them for speculation purposes. They made a lot of money in the previous years, but the man came to the door and said: You cannot do that anymore.

So unemployment is a difficult problem we have. I visited this afternoon with the labor leaders of southern Nevada and northern Nevada. We have a real problem. Unemployment benefits are part of the Senate Finance Committee package. It is important and deserves a vote. We are going to have one on this at the right time.

Also, housing. The President in his State of the Union message talked about a number of items. One of the things he talked about was to set up a tax-free bond provision. In the past, most of these bonds have been used to build new homes. Well, we are not building new homes.

So what the President wants and Senator JOHN KERRY wants is to use these bonds to refinance homes. A great idea. The President likes it. We like it. That is part of the Senate Finance Committee package.

We also have in this package something, again, being very provincial, talking about something important to the State of Nevada, renewables. We have to ween ourselves from this oil that we get from despots around the world. Venezuela, and some of the most tyrannical governments in the world in the Middle East. They are shipping us oil every day and around the rest of the world. Venezuela, interestingly enough, the leader of Venezuela comes to the United Nations and calls our President names.

Now, the fact is, before the United Nations, on American soil, no one should have the right to call my President names like this man did. What we should have told him is: Keep your oil.

We couldn't do that. We depend on his oil. We depend on Venezuelan oil.

This legislation that is coming from the Senate Finance Committee sets up some tax incentives for people to develop renewable fuels. People say: Is that going to stimulate the economy? You bet. If we provide tax incentives for these companies, they will start investing tomorrow—tomorrow—which means jobs; not scores of jobs, not hundreds of jobs, not thousands of jobs, tens of thousands of jobs. In the little town of Searchlight, NV, where I am from, I got a call when I was home from Senator Richard Bryan. He owns some property a few miles out of Searchlight. He said: They want to put up some windmills on your property. Do you want them to do that?

I said: Look, I don't want anyone to think I am getting any money from windmills, so have them put up all the windmills they want. I don't want anything from it. So put up the windmills.

Now I understand they are going to put as many as 200 of these huge windmills near my town of Searchlight. These windmills would be maybe 2½ miles from my home. Good, 200 megawatts of electricity. And they are waiting for tax incentives. Right now we have tax incentives for a very short period of time. What we have done with the Senate-passed provision, it will extend some of them up to 2 years because there is already a year to go on some of them.

Also extremely important, the business package is something for which the business community is clamoring. The House package has some good tax incentives in it for small business and businesses, but ours is better. This is in no way to criticize what the House did, but it is also underlining how good our package is. So we are going to work to pass the Finance Committee bill.

I have been told—I got a couple Blackberries today—by Members of the minority, the Republicans, surprisingly, but I don't want to mention names on the floor because things can always change—but I was surprised that people are supporting this, Republicans are supporting our package. So I think we can get 60 votes. If not, we are sure going to try. I think as time goes on and people look at what we have done, it is going to become even more appetizing. It is going to be better each day that goes by. So we will get to this legislation long before the cutoff date that I said we would complete it; that is, February 15. We have 15 days to go. We are going to finish this bill, I would hope, early next week or sometime next week. We are certainly going to try.

One of the calls I got today was from AARP. This organization, I don't know how many members they have, but millions. The one thing they have identified this past year is this. This is going

to bring the AARP out to tell every Senator, all 100 of us, that this is the most important thing they have had in a long time before the Senate. It will give 21½ million seniors a few dollars to spend to make this economy better. We are going to do it as expeditiously as we can. We believe it is the right thing to do, and we are going to move along in that manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 566, H.R. 5140, and I send a motion to the desk, a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of Calendar No. 566, H.R. 5140, the economic stimulus bill.

Max Baucus, John D. Rockefeller, IV, Kent Conrad, Jeff Bingaman, Blanche L. Lincoln, Debbie Stabenow, Maria Cantwell, Ken Salazar, Herb Kohl, Daniel K. Inouye, Byron L. Dorgan, Mark L. Pryor, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived and the cloture vote occur at 5:30 on Monday, February 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Finally, let me say, I appreciate the patience of my counterpart, Senator McConnell. On Tuesday, I can't really say this; we weren't that close. But all day Wednesday, all day today, we have been this close. We have had the FISA thing worked out so many different times, and each time—not each time but a number of those times I either sent a message to the distinguished Republican leader or actually called him, sent him a letter. I have really tried very hard to finish this. I want to do it because we have a February 15 cutoff date. I don't want to jam the minority, and I don't want to jam the House. I think we have an obligation as a body to get something over

there as quickly as possible, “over there” meaning to the House. Because once that happens, I would like to think that then it is up to the House and the Senate to work this out. But we know how conferences work. The White House is going to be heavily involved in what the final product is because there is no need, at least in my estimation, to pass something that has “veto” written all over it. If it comes to that, then I can accept a veto. But at least we need to give the White House an opportunity, after we pass whatever we do here, and the House has already done their work, that when we do this conference, we know and have input from the White House. If the decision is made after that, we are going to just go forward anyway. That is what we do. But I want to make sure everyone understands, I am trying to do this as fairly as I can, recognizing there are heavy emotions on both sides of the Foreign Intelligence Surveillance Act extension we are trying to do. There are divisions within the Democratic caucus. Not all Democrats agree how it should be handled. That is why we have worked so hard coming up with this agreement to move forward on it.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I certainly don't fault the majority leader, but this has indeed been an exasperating week. We had our one and only vote last Monday and have had none since. At that time I was optimistic that we were on the cusp of two important bipartisan accomplishments at the beginning of the second session of the 110th on two extraordinarily important issues. We had seen on the stimulus side an example of the administration and the Speaker of the House and the Republican leader of the House coming together behind a package and passing it in record time, by a stunning, overwhelming majority, and sending it over to us. We have appeared to be on the verge of getting a Foreign Intelligence Surveillance Act out of the Senate basically in the same form it came out of the Intelligence Committee, 13 to 2, a Rockefeller-Bond proposal which the President has indicated he would sign.

My optimism waned somewhat during the course of the week, but I heard my dear friend, the majority leader, reiterate once again that he thinks we can finish both of these jobs, and finish them soon, and hopefully get back about that on Monday. I am hoping for a better week next week. We are ever so close to achieving something important for the country in two areas that are of great concern to the American people, the state of our economy on the one hand and protecting us from terrorists on the other. Hopefully, next week will be a better week.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH INSURANCE CARDS

Mr. ENZI. Mr. President, I rise to express some disappointment with some items that we were not able to accomplish last year. I hope we will quickly turn to these priorities the first thing this year.

My wife Diana and I travel to different parts of Wyoming most weekends. The No. 1 issue on people's minds is health care. Well, maybe it is the economy. But when they talk about the economy, they are talking about health care. They may be talking about some housing crunches. They may be talking about some other things. But I can tell you that to a person they think health care is a big part of the economy, and health care is someplace that we ought to be doing something. They all ask me what I am doing to make sure they have health care. I tell them about the things I am doing to increase access, to decrease costs, to promote informed choices, and to ensure that health care is more affordable, and everyone gets it.

I also want to say, everyone understands it. Our constituents deserve our help. I hope we are able to really do something on health care early this year. This doesn't need to be the subject of every debate by the Presidential candidates. There is a lot of overlap in what the Presidential candidates are saying. The people don't want to wait until November in order to be able to wait until the next year in order to wait for us to do something. There is plenty of things out there that can be done. So I hope we are able to do something about health care, and do it now.

It is time for real action. All eyes are on this Congress to get something done. After this last week of having one vote, I think they are hoping we can either get FISA done or maybe we can get a stimulus package done. Get something done. Maybe it would be easier to be doing something in the area of health care. That is a big concern of theirs.

It is shameful we haven't been able to make sure that all Americans have access to affordable health insurance. I am saying: Do something. The people of Wyoming are saying to me: Do something. Even if it is wrong, it will at least be something. And it might help.

Now, as the senior Republican on the Committee on Health, Education, Labor, and Pensions, I spend a lot of time working on solutions to our health care crisis. I have even talked to

many of the people in this body who have an idea on health care. I have been collecting those ideas. I took those ideas, and I put them in a package—a package of steps that could achieve what I am talking about, which is access to affordable health insurance for every American. Any one of those steps would improve the situation.

Why did I put it in steps? Well, I have noticed when we are trying to do something comprehensive around here that one piece of the package will have 5 people who are opposed, another piece of the package will have 8 people who are opposed, another one will have 11 people who are opposed, and another one 7. Pretty quickly you are at 51. You cannot pass something unless you have 51 who are for it.

So if we do the steps a step at a time—granted, it is not as grand and as promising for publicity, but if we do them a step at a time, if there are 5 people who do not like it, it is 95 to 5. That is pretty passable around here, and it makes progress. And chances are pretty good those people will express what their concerns are, and it might be possible to work out some of those.

You would be surprised how many times on this Committee on Health, Education, Labor, and Pensions we are able to go with a third way and figure out something that solves a problem for somebody without upsetting everybody else. I would be willing to bet over the last 3 years we have had more pieces of legislation passed from that committee unanimously than any other committee, and it has always been one of the most contentious committees in the Senate. But it is also a committee where people work together to come up with solutions. That is why I collected these ideas from people.

We have had a number of hearings over the last 3 years that dealt with this issue. There are solutions that are available. So if you look at my Web site, you will find “Ten Steps to Transform Health Care in America,” which would fix many of the common complaints I hear from my constituents. Now, I am not going to go into all the details of that bill today. But I would encourage everyone to look at my Web site, which is [www.enzi.senate.gov](http://www.enzi.senate.gov), to learn more about the bill. This is a possibility.

Now, there are a lot of transformations that can be done on it, but this has 10 possibilities for ways we can improve health care in America. I have to say, there are ideas from both sides of the aisle. I try not to get into a polarized situation where we are saying this is the Republican way, and then have somebody else say this is the Democrat way, and the two never meet. We have to meet. We have to solve the problems. So take a look at that [www.enzi.senate.gov](http://www.enzi.senate.gov) Web site and send your letters and comments and talk to me personally, those of you in the Senate.

If this bill were to become law, the end result would be an insurance card

for everyone. Now, lots of people have insurance cards. Members of Congress have them. People who work in big companies have them. The kids in Wyoming who participate in the State Children's Health Insurance Program, SCHIP, have them. Lots of people have them. Most of those people who have insurance cards are pretty happy with the care they are getting.

This part of the bill would not change that. If you have an insurance card now, you can keep that card, and you can keep getting the exact same care you are getting now. The problem is, 47 million or so Americans do not have an insurance card. This bill gives all of those people insurance cards. If they cannot afford the cards because they are low income, one step helps them out by giving them the money they need to purchase the insurance card. The bottom line is, everyone has a card and everyone will be able to get the care they need.

Now, some of my colleagues on the other side of the aisle have said the only way to give everyone an insurance card is to give all Americans a Medicare card. I have to disagree with that. The Federal Government should be the payer of last resort, not the primary purchaser.

When my wife and I are traveling in my home State of Wyoming, we visit a lot of senior centers. During these visits, I always hear about problems with Medicare. Some seniors get upset that the cost keeps going up. Some seniors tell me they cannot find a doctor who takes Medicare anymore. Some seniors tell me the way the Government runs the program is confusing. Some seniors tell me it takes them months to hear back from Medicare when they have problems.

Now, I also have a lot of doctors and pharmacists—not nearly as many as we would like to have. We have a huge health care provider shortage in Wyoming, including veterinarians. I mention that a lot. We keep trying to encourage them to come, and we are having some success at it, but we have a huge problem. I tour the hospitals, the hospice organizations, the nursing facilities, and the rehabilitation centers.

The one consistent message all these folks relay to me is that Medicare does not pay them enough. Sometimes I even hear stories about how they do not get paid enough to cover their own costs. You cannot stay in business on volume if you cannot cover your costs. And this is not a volume business. This is one where it is one person at a time. Some folks are even closing their doors and going out of business because they cannot afford to keep their doors open under Medicare.

They do not like the Government telling them what they can and cannot do. They do not like the Government prescribing how they practice medicine. With all the problems in this program, why would Congress multiply the problems giving every American a Medicare card?

I have to tell you about a guy who lives just outside of Pinedale, WY—Big Piney, WY. All these big cities kind of get me confused. But his name is Dr. Close. He is actually well known internationally because he spent most of his life in Africa studying Ebola. And he is also known because he has a daughter named Glenn Close whom people may have seen in a movie or two. But he now lives by Big Piney, WY—a little bit out of town—and he is now an old-fashioned country doctor. He makes house calls. He even does hospice work. If somebody is dying, he will stay with them during those difficult times—hours and days on end.

When I visited him last time, he showed me some documents that he gives to people who are going to be his patients. It says: I am not going to do Medicare. He will not take Medicare. He says it takes too much time. It costs too much money. So he does not volunteer if they cannot afford to pay, but he has a pretty good thing of people donating—some of them who have been helped before, some who have money who have kind of donated to a foundation for him. He adds some money that is in a foundation. So he is able to get by that way. But he is a great source on some of the problems with Medicare and why we are having less providers who are willing to provide to anybody who needs Medicare. We have a lot of people out there who need help, and they have Medicare. So, Medicare, as it stands right now, is not the best answer for people.

So there is a much better way to get everyone an insurance card that does not take us down the path of Government-run health care. I want to repeat that and make sure folks at home know what I mean when I say “Government-run health care.”

Government-run health care means that a committee in Washington is deciding the care you are going to get. A committee is deciding what is best for you. The decisions would no longer be made by you and your doctor. Oh, yes, within limits they would be but not really. A committee in Washington is deciding what doctors you can go to and deciding how much the doctor gets paid.

A committee in Washington is deciding which prescription drugs are the most effective for you. It would not matter that you know your body, that your doctor knows your body. You do know how your body works, and you will have worked closely with your doctor to know what drugs you should be taking. If that committee in Washington decides you should not have the drugs you have taken your whole life, and instead decides you should take another similar drug, then you have to take another similar drug.

I went around Wyoming talking about Medicare Part D, and helping people to know, if they needed to make a choice, how to make a choice. I got the volunteer people working all over the State. We had a tremendous sign-up

in Wyoming. At every one of the hearings I did, I had somebody come and say: I cannot get the drugs I need.

I would say: You are a veteran, aren't you?

They would say: Yes. How did you know?

Well, I knew because the Medicare Part D part was not in operation yet, and the Government was negotiating prices on veterans health. The only way you can do that is to say what ones are going to be acceptable or get the similar ones to bid against each other, which means some of them are not going to be available. That is exactly what happened. So sometimes when the Government gets involved, they limit what you can do. That is the problem with Government-run health care.

I promise to work hard to make sure everyone is not forced into a Government plan. My plan gives every American the choice to pick the insurance card they want. Now, there are some things we have to do with insurance companies, too. But that plan that they pick can be the one that best fits their needs. Every American will have the choice to discuss their care with their doctor and decide which plan is best for them. This plan puts the patient first. This plan gives patients control over their own health care.

Another important part, this plan is affordable. It is not free. It is not free—people do not appreciate things that are free—but it is affordable. It needs to be affordable, and it is affordable. Sometimes if things are free, people do not think it does anything. Now, there are a lot of details on my Web site about how this plan redistributes the tax breaks that are currently only going to the people whose employers are giving them health insurance cards. And it makes sure all Americans get the tax breaks.

This plan also reduces the cost of health care. Right now, a lot of rules are in place that prohibit groups of businesses from getting together and pooling their purchasing power so they can negotiate better deals on insurance cards. They can get a bigger pool by going across State lines, and you have to have a bigger one if you are going to negotiate with the insurance companies. Where they have been able to do it in high-population States, within their State, it has worked. Those same groups have said: Let's expand out a little further.

First of all, we get a whole lot more people covered, and we will get lower rates. So it does not make sense if they cannot go across State lines and get these bigger groups—meaning if a group of shoe store owners in Wyoming want to get together with shoe store owners in Montana and Colorado and band together so they can negotiate greater discounts on health insurance, we ought to allow them to do so. That is what one of the steps does.

Now, the plan also recognizes our changing workforce. It provides real

options for people to take their insurance card with them when they change jobs. No one would be trapped in a job just because their loved one or they need particular health insurance. Right now, under the system, if they move to another business, they are probably going to have a preexisting condition that will not be covered. It definitely will not be covered for a period of time, but it may not be covered at all. If you want to provide real choices, then you should also have the choice to keep the coverage you have, even if you do not keep your current job.

Now, to reiterate, this plan gives every American a health insurance card. This plan puts patients first. This plan puts the people in control of their own health care. This plan lets doctors and patients make decisions about what care they need and receive. And this plan lets you choose the health care you need.

It is in steps, and it is evolutionary, not revolutionary. There are some ideas around here that are not included in the 10 steps that are great ideas. They are just such a quantum leap that they take people out of insurance who currently have insurance who like the insurance they have. Those people are going to be very skeptical about having us change to such a revolutionary system that they lose what they have now. So we have to do it in steps. We can get to where every plan here—I am talking about those as the 11th and 12th steps—can work together.

So I am encouraging everybody to take a look at them. They are sensible proposals we could have enacted long ago, and I am disappointed this body has not made progress on any of these issues to impact every American. I hope we turn to these issues the first thing this year and enact real reform.

The Americans deserve more than politics. They deserve results. I think a surprising thing, sometimes when you look at the debate that we do not finish up around here, they even expect results. We need to meet those expectations.

Before I leave the floor, I would also like to address another aspect of health care. It is one that often does not get enough attention; that is, mental health.

I am concerned we were unable to move forward on the bipartisan legislation to revamp the Substance Abuse and Mental Health Services, or SAMHSA. While I am hopeful we can complete our work on this key legislation early this year, it is unfortunate we were unable to address it last year.

As part of that debate, I hope we will leave the discussion on charitable choice for the Senate floor—as we have done in the past—so all Members can engage, if they want to, and so we can get it out of committee. I know Senators have strong opinions about this provision, and I do believe that the best debate on it will be on the Senate floor. It is critical that Congress turn immediately to these issues. They will

help every American have a healthier and happier new year, not only this year, but for many years to come.

Our work is cut out for us. We can do it. We can do it in a way that people will appreciate. We can do it in a way where there is common ground across the aisle. I am committed to work on that. I hope others will join me on it and help us do something. As my constituent said, do something, even if it is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### ECONOMIC STIMULUS

Ms. CANTWELL. Mr. President, I rise to speak about our need to move swiftly on the stimulus package. We are responding obviously to a bipartisan package that has come out of the Finance Committee. I believe we should work on a bipartisan basis, because we are in tough economic times, to hurry and get this package done. Doing the right thing means doing the right thing for seniors, for disabled veterans, for consumers, for business. It means getting real dollars pumped back into the economy now and not continuing to play a time-consuming game, going back and forth.

I know the House and the administration rapidly put together a package and it garnered wide bipartisan support, and I applaud their efforts for doing that. Likewise, Chairman BAUCUS and Ranking Member GRASSLEY also initiated quick, bipartisan action in the Senate Finance Committee, and the bill was reported out, and Senator REID has brought that bill before the full Senate. I urge my colleagues to keep pace with the President's request for timely action and to support sending the Finance Committee bill to the House so we can quickly move to conference and resolve whatever differences there are, so we can move a package to the President's desk we can be proud of.

Our goal is to act on policies that will stimulate the economy now and over the next 12 months. We should not lose sight of that goal. I know many of my colleagues like to talk about other proposals that may be stimulative in the long run, but for me the focus should be—and I think for my colleagues—on that which is truly going to be stimulative over the next 12 months.

The Finance Committee package makes significant improvements to the House bill. I think they are important aspects that strengthen our efforts on stimulus. The Finance Committee bill makes sure that 20 million low-income seniors and 250,000 disabled veterans are eligible for a stimulus rebate—a critical aspect to correct. Now I don't think the House of Representatives intended to leave these folks behind, and I think we can simply send a message to the House and the President that we know they support including these individuals as well.



By making sure that seniors qualify for these payments, in my State, over 800,000 Washingtonians will be helped, and over 93,000 disabled veterans and their families. So we are talking about a large percentage of the population. These people live on fixed incomes, and it is essential we provide them the economic assistance they deserve. I do want to congratulate Senators LINCOLN and SNOWE for highlighting the fact that the House bill failed to help these individuals—disabled veterans—and worked to correct this in the Finance Committee package.

The Finance Committee package also improves upon the House bill by including a modest temporary extension of the stimulative energy tax credit and investment provisions. Some may ask: Are these energy provisions stimulative? Let me respond clearly: Extending these provisions is critical to the prevention of billions of dollars of investment loss and thousands of jobs lost in 2008. We need to act quickly or we are going to not only lose out on a positive economic stimulus that can be upwards of \$20 billion, but people will start cancelling projects that are in critical areas of investment simply because we have not given them the predictability of the Tax Code.

This bill includes a 1-year extension of expiring clean energy and efficiency tax credits that will help consumers and businesses make stimulative investment decisions in 2008, and it happens to address one of the most pressing needs—energy costs—that are causing impact to our economy today. Extending this package of incentives now will enable companies to go forward with more renewable investments in wind and solar which are currently on hold now because they are waiting for the certainty of the Tax Code.

I wish to show my colleagues an example of what uncertainty does for our investment. Historically, the production tax credits have been renewed at various points in time. When Congress has failed to give predictability—and this chart shows the megawatt production, the years we failed to provide certainty—we actually saw a 93-percent drop in 2000. In 2001 when we failed to get certainty again, we saw a 73-percent drop in production, and in 2004 we saw a 77-percent drop in production again. What this chart shows us is that in 2007, we are off to a great year as it relates to production, and the production tax credit and the alternative energy that we are producing.

As I said, 2000 shows almost \$20 billion in stimulation to our economy by our investment in energy. That helps us lower energy costs and certainly puts more production into the mix. But if we fail to give the businesses the predictability we are going to extend these tax credits, those investments aren't going to be made.

The American Wind Energy Association estimates that the extension of the production tax credit will enable \$7 billion in capital spending to go for-

ward over the next 12 months, thanks to projects and contracts that will be executed as planned rather than delayed because of uncertainty of the place-in-service date. That is, by saying the projects have to be in place by the end of this year does not give them the predictability of continuing to make the investment. We have been told by just one appliance manufacturer that they will not give the go-ahead on \$30 million in investment in 2008 to put new energy efficiency appliances into production unless the tax credit is extended. That production line won't be cost-effective without it. That is what they tell us.

Also, the extension of the investment tax credit for solar, for example, means that one large grocery store chain in the United States would—if they got the credit—inject an additional \$30 million into the economy by following through on their plan to retrofit more stores with solar panels in 2008. Each solar conversion of those stores puts \$2 million into the economy, into manufacturing and installation of those solar panels. The Federal investment credit is key to whether they move forward with their investment, or whether they stop or slow down. Overall, the solar industry estimates that up to 40,000 new jobs will be lost in the next 12 months if we don't extend the investment credit. At this time in our economy, why should we be sacrificing high-quality jobs because we aren't giving certainty predictability?

Let me give an example. In my own State, someone called our office today who is the president of Wellons, Inc., in Vancouver, WA. For more than 40 years Wellons has been a leader in providing wood-fired energy systems, lumber-dried kilns, and related products to the forest industry. Wellons has four to six projects and maybe many more that are ready to go, and yet a key to all these projects moving forward is certainty about the production tax credit. If the production tax credits aren't extended, these projects can't go forward, and as the president of that organization told my office:

Every project I have hinges on the production tax credit. If they aren't extended, we will start having to lay off some of the 500 employees in the company.

So we have to act quickly. There are many other States that will be impacted besides mine. A report that was released today by Navigant Consulting found that over 100,000 jobs are at risk. In fact, their report shows State by State that due to a lack of production tax credit—Texas, for example, 23,000 jobs could be at stake; Colorado, 10,000 jobs; Illinois, 8,000—and I am not giving the exact number here; I am rounding them up or down—Oregon, 7,000 jobs; Minnesota, 6,000; my home State of Washington, 4,744; and the list goes on. Iowa, North Dakota, Oklahoma; Pennsylvania will lose 1,500 plus jobs; California, nearly 1,000 jobs; Missouri, nearly 1,000 jobs, and on and down the list.

So the question is whether we are going to act to pass what is a bipartisan Senate bill that improves on the House package—it improves on the House package including seniors, including disabled veterans, in making sure we are clear about who—in fact, that legal citizens get access to these rebate checks, and to make sure we are truly making the best decision about stimulative investment.

Now, I wish that last year we could have had some of these things pass and having some clarity. But it is clear that the House of Representatives and the White House see this differently. So it is very important that we take the opportunity now to get this investment strategy right. Doing these tax credits at the end of this year is not sufficient to keeping investment. If we don't, 2008 is going to look more like 2004. That is that in 2008, people will cancel projects, stop production, we won't have the energy produced in the marketplace.

This is a large opportunity for us. It is a large opportunity to give businesses—and I should say it also gives consumers—an opportunity to get about \$500 from a tax rebate for their consumer energy investments into products that will help them keep their energy costs down, and the estimates are that individual consumers, besides the \$500 rebate they will get, will probably save between \$600 and \$800 on energy savings. Those are the kinds of things we want to do. We want to see 2008 look even more aggressive from a stimulative perspective than 2007. We want people to be aggressive in this area because not only will it create jobs, not only will it create economic stimulus now, but it will help consumers on the key impact they are feeling in this economic hardship of high energy costs. The more production you get into place, that production helps us in lowering energy costs. Getting more alternative energy production helps us in impacting the cost of natural gas, because you have an alternative product in the marketplace. It helps us in getting other supply. It certainly is supply that is there for the long run. I don't think anybody thinks we are ever going to change the direction we are currently seeing on high energy costs, so getting the long-term production in place is also a good idea.

But I urge my colleagues to think clearly about this choice we are going to have; that is, to improve upon the, I am sure, unintended consequences the House had in their package by clarifying that seniors and veterans deserve to have these benefits, and that these production tax credits and investments are smart investments to give business predictability and will be stimulative to our economy. Certainly by ignoring that, we are at peril of making our problems worse. So I encourage my colleagues to support this Finance Committee package that has come out in a bipartisan way and move quickly with the House to resolve these issues. It is



the quickest path forward to getting a bill to the President and getting checks into consumers' hands.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON OF FLORIDA). The Senator from Louisiana is recognized.

TRIBUTE TO RUPERT FLORENCE RICHARDSON

Ms. LANDRIEU. Mr. President, I rise to pay tribute to a very important Louisianan, and really a great leader of our Nation, who passed away recently. I come to the floor in her memory, to pause for just a moment and to remember this great lady.

Thursday, January 24, Louisiana and the Nation lost a powerful advocate for justice, equality, and opportunity. Rupert Florence Richardson was truly a heroine of the civil rights movement, who battled throughout her life not only to realize the dream of equal opportunity and a colorblind society, but she fought every day that I knew her for decent jobs, adequate health care, quality health care, and equal opportunities in education for all children.

During more than half a century of work and devotion to the civil rights movement, and to public service generally, Rupert Richardson rose into national prominence as one of the longest serving board members of the NAACP, serving from 1992 to 1995 as national head. Prior to that, she served that prestigious organization for 7 years as vice president and also 16 years as the president of the Louisiana chapter.

Rupert Richardson was a mother, a teacher, a nurse, a sought-after speaker, and a leader always. She had an extraordinary voice and presence, a really big and wonderful heart, she was a great intellect, and she had a passion for people. She was fondly known as the grand dame of the NAACP and was beloved by many in the NAACP civil rights family.

To us at home, you could always see Rupert coming because of her hats of various shapes, sizes and colors—quite decorative—which was her signature trademark. She was a vibrant spirit, always busy, working, and always generous to those around her.

Rupert served many years in Baton Rouge and was no stranger to our Nation's Capital. She was born in Texas and moved to Lake Charles, LA, as an infant. That is where she will be buried tomorrow. For more than 30 years, Rupert served Louisiana in many spheres of influence, and she will be fondly remembered and respectfully remembered. It was truly a life of service. Her family, her friends, her sorority sisters, and particularly the civil rights family in America owe a great deal to this great heroine of civil rights.

I am happy to come to the floor of the Senate to remember Rupert Richardson, to speak of her, and to remind all of us of her great contribution. She will be missed very much.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the economic stimulus package that is now under consideration by the full Senate and specifically to address the crucial issue of how this package affects our senior citizens. I am particularly glad to be delivering these remarks on an occasion when my distinguished colleague from Florida is occupying the chair because I know of the extraordinary efforts he dedicates in this Chamber on behalf of the citizens of his home State of Florida. Like Florida, Rhode Island is a State that has a significant senior population, and so the welfare of those seniors and the effect on them of this economic stimulus is a matter of great concern to both of us.

I want to tell a quick story. Not long ago, at one of the community dinners I give around the State of Rhode Island to get input from people, to have a chance to meet folks in our local communities, to have them have a chance to talk with me, and for me to have a chance to hear their stories, a young man named Travis attended, and he told me a story about his grandmother.

His grandmother is a lovely woman. She lives in Woonsocket, RI. Woonsocket is a historic and beautiful city in Rhode Island but a city that has faced, for a long time, economic challenges. His grandmother is in her nineties, and she still lived in the three-story tenement, on her own, that she had lived in all her life in Woonsocket.

In Rhode Island, there are a lot of buildings where there are three apartments, one on top of the other—three-deckers—and she lived on the top floor of one of those. God bless her, at age 90, she was able to walk up and down those stairs every day, and she did, to go out and do her errands, to visit with her grandson, and to go about her life. She was fit, and she was proud of her independence. It is not easy to go up and down those stairs every day, but she did it. She liked to live alone. She was proud of being independent her whole life and wanted to remain independent.

One day, she went down the stairs from that third-story tenement, and she walked out, as she often did, to visit her pharmacist, to pick up the prescriptions she requires to maintain her health. Everything was just as usual, until she got to the pharmacy. She discovered that this was not a usual day. She was told by the pharmacist that she had fallen into the doughnut hole—the terrible coverage gap in the Part D Medicare prescription drug program. She hadn't seen it coming. She was blindsided, caught completely by surprise. You can imagine what was going through her mind when she was told she couldn't pick up her drugs, that she couldn't afford them.

She went home to that third-floor tenement emptyhanded, without her prescriptions, and she walked back up those stairs. Frightened and alone, not sure what to do, she called Travis. Fortunately, he was able to help. But without any help from her Part D insurance, she couldn't afford to pay both her rent and that medicine.

She was frightened. After years of living on her own, after holding on, really with a lot of courage and a lot of heart and a lot of determination, to that independence that meant so much to her, even if it meant walking up three flights of stairs every day, now she was going to lose that—not because of anything she had done wrong, not because of anything that had changed in her life, but because she had fallen into this trap that was set for her by this Congress when it built that hole into the prescription drug program.

That call from his grandmother shook Travis pretty hard, and that is what brought him into my life. It was one of numerous stories I heard on the campaign trail from families who had to cope suddenly with watching a senior fall into that coverage gap.

On another occasion, I was coming out of a speech I was giving, and a fellow stopped me on the way out and we talked for a while. He said: You know, I really want you to fix this prescription drug thing, and I want to tell you why. He said: I have a brother—this was a gentleman about my age. He said: I have a younger brother, now in his forties. He is severely disabled. He has serious mental challenges. He lives in a group home, and every week I go by and I take him out. I take him on an outing. I take him to the movies, to a ball game, or to walk around the mall, and I do it with \$50.

My mother gives me \$50 every month to help take care of my brother. He said: She is elderly now. She had taken care of him all his life, but then he had to move into the group home, and now she is elderly herself, and there is not much she can do for her son. She still loves him deeply. She still cares for him very much.

The one last thing she could do for this boy was to give her other son \$50 a month out of her very sparse resources to take his brother on these outings.

Now, he said, I have the \$50. I am going to take my brother on these outings anyway. That is not the issue. The issue is that my mom just fell in this doughnut hole and, he said, she can't give me that \$50 anymore, and it is breaking her heart to know that after all these years of caring for this boy and having this one last thing she could still do for him, she couldn't do it any longer. He said: She feels like a failure. Her heart is broken. Please, you have to do something about this.

That is an indication of how close so many Americans are to the edge, that this mother, whose most important expenditure in her life is to be able to help that son and know she was still

doing something for him, and she couldn't make that payment any longer because everything had to go to prescriptions and the basic necessities of just keeping alive.

We have heard a lot of these stories. I know the distinguished Presiding Officer has heard these stories as he goes around Florida.

As an aside, I think it is worth observing while we are here, what a shameful mistake—what a shameful mistake—this Congress made when it had the chance and it had the choice to close this terrible gap in this coverage for seniors and it chose not to. It chose not to so that it could give the wealthy pharmaceutical industry—one of the richest and most successful industries in the country—one of the fattest perks, one of the biggest benefits, one of the biggest insider deals that has ever come through this building—something almost unique in the annals of corporate special favors. What a racket. It gave them the ability to avoid having Medicare and Medicaid negotiate with them over the price of their pharmaceuticals. What a racket. And we did that. The extra cost that puts into that system means you have to maintain that hole and that seniors are going to fall into that trap over and over again.

Well, that is a fight we are going to continue. I know the Senator from Florida feels strongly about it, I feel strongly about it, and many others feel strongly about that. It is wrong to have seniors such as Travis's grandmother or the lady who can't make her \$50 contribution to help her son be the ones to lose and an industry making billions, which has everything it needs, win out over them.

So now we have this stimulus package. Our Nation is confronting uncertain economic times, and Congress is working diligently to try to put together a package to prevent us from sliding further into the Bush recession. However, when the initial agreement was announced between the administration and the House of Representatives, I was concerned—as the Senator from Florida was; we spoke about it—that many seniors, one of the groups who most need our help, were excluded from that deal.

Most seniors, who rely on Social Security benefits and savings, do not pay income taxes, and they would not be eligible for an income tax rebate based on taxable income and delivered through the Internal Revenue Service. It just wouldn't reach them. Indeed, 61 percent of seniors who received Social Security benefits did not pay income taxes in 2006, the last year for which there is data. Sixty-one percent would have gotten nothing under that package.

Well, today, more than 138,000 Rhode Islanders—to the Senator from a great big State such as Florida, that may not seem like a big number, but 138,000 in a State with a population of just 1 million is a lot of people—138,000 Rhode Is-

landers over the age of 65 receive Social Security benefits.

It is not a big benefit, it is not a generous benefit. It averages \$12,374 a year. Based on the national percentage of recipients who pay income tax, it means more than 84,000 Rhode Islanders would receive nothing under the House proposal, 84,000 Rhode Island seniors, zippo, nothing for them.

Nationwide that number climbs to 21.1 million seniors. More than 20 million seniors would not receive a dime in tax rebates under the House bill. That is not fair. That is not fair.

As long as we are putting funds out in the economy in order to stimulate the economy, we should make sure the program reaches fairly to different segments of the population and certainly not leave out seniors. Extending the rebate plan to seniors will give much-needed breathing room to so many seniors who struggle every day to get by.

But in addition to being more fair, it also makes economic sense. According to the Department of Labor, Americans over 65 are responsible for 14 percent of all consumer spending, and they spend an average of 92 percent of their income every year.

In 2006 alone, they purchased more than \$800 billion in consumer goods. So if you are looking to push consumer spending, seniors are a good place. That data suggests any rebate we are able to provide seniors will provide the kind of stimulus our country needs.

Furthermore, older Americans are more likely to spend the money they receive and to spend it on goods and services that will help our economy grow, and they will spend it sooner. They will spend it faster. As we all know, one of the key purposes of this stimulus is to put the stimulus into the economy quickly.

In a Budget Committee hearing a few days ago, I asked Peter Orszag, Director of the Congressional Budget Office, which would be a faster stimulus to the economy, Social Security or tax rebates. He testified: Social Security. So if we can help seniors get this through Social Security, better still.

Last week, I wrote the Democratic and Republican leaders in the Senate about my concerns. I urged them to make seniors a priority in any stimulus package we consider. I am very encouraged and very pleased, standing on the floor right now, that the Senate Finance Committee, chaired by our distinguished colleague from Montana, Senator MAX BAUCUS, has reported out of his committee, in bipartisanship fashion, a bill that would allow most seniors to receive a \$500 rebate under the Finance Committee proposal.

Social Security benefits would be considered as income for this limited purpose. Seniors with at least \$3,000 in Social Security income, Social Security benefits, but we are treating it this one time as income for 2007, this past year, could claim the \$500-per-person rebate simply by filing a tax return.

Now, of course as we know, many seniors do not have enough taxable income to require them to file tax re-

turns. They may not have filed in years and they may not be familiar with the process. So as we go forward, should this proposal become law, I hope it does, we must do all we can to inform seniors about the rebates to which they are entitled and to help them claim these much-needed rebates.

We need to call on our friends who are accountants, social service workers, lawyers in the tax area, who can volunteer their time to work at senior centers in high-rises, work with our seniors to make sure seniors know they can do this and help them fill out this form so they can get this benefit.

So many seniors desperately could use an extra \$500. That is nearly a whole year of this gentleman I mentioned, of his mom being able to help her son. Her whole thing every year was \$600. It meant the world to her and it was only \$600. And she could not do this. But this \$500 will make a big difference in these seniors' lives.

So we have to make sure no senior loses out on this money because of misinformation or difficulty in navigating the tax forms. The solution is a strong step forward. I applaud the work of Chairman BAUCUS and the Republican ranking member of the Finance Committee, CHUCK GRASSLEY.

I look forward to continuing our efforts to pass an economic stimulus proposal that meets the pressing needs of America's seniors while accelerating the stimulus the economy needs.

I will close by saying once again how fortunate I feel to be on the floor delivering these remarks at a time when the distinguished Senator, BILL NELSON, for those who cannot see him, of Florida, is in the Presiding Officer's chair. Because again, his strength and determination on issues that affect seniors in Florida is renowned in this Chamber, and I could not hope for a better audience as someone with such care and dedication to American seniors to be here.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it has been a long week, and our list of accomplishments—on paper—are not very much. But, hopefully, we are headed toward a real good week next week.

#### FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. The Senator will resume consideration of the bill S. 2248.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Feingold-Dodd amendment No. 3909 (to amendment No. 3911), to require that certain records be submitted to Congress.

Bond amendment No. 3916 (to amendment No. 3909), of a perfecting nature.

Reid amendment No. 3918 (to the language proposed to be stricken by Rockefeller-Bond amendment No. 3911), relative to the extension of the Protect America Act of 2007.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, except the substitute and the Feingold amendment No. 3909; that it be modified with the changes at the desk and then agreed to; and the motion to reconsider be laid upon the table; further, that the following be the only first-degree amendments remaining in order to the bill, with no second-degree amendments prior to a vote, except as specified in this agreement; that any time for debate with respect to amendments be equally divided and controlled in the usual form; that the following two amendments be modified with the changes that are at the desk, and then agreed to, as modified, and the motion to reconsider be laid upon the table, en bloc:

Whitehouse amendment No. 3932; Kennedy amendment No. 3960; and that the Bond amendment No. 3945 be agreed to, without modification; further, that the following eight amendments be subject to a majority vote threshold, with a motion to table any of these eight amendments in order:

Bond amendment No. 3941, with a modification, 20 minutes; Bond amendment No. 3938, with a modification, 20 minutes; Feingold amendment No. 3907, 2 hours; Specter-Whitehouse amendment No. 3927, 2 hours; Feingold amendment No. 3913, 40 minutes; Feingold amendment No. 3912, 40 minutes; Feingold amendment No. 3915, 40 minutes; Feingold-Webb amendment regarding sequestration, 90 minutes; provided further, that the next 3 amendments listed be subject to a 60-affirmative vote threshold, and that if it does not achieve that threshold, then the amendment be withdrawn: Feinstein amendment No. 3919, 2 hours; Cardin amendment No. 3930, 60 minutes; Whitehouse amendment No. 3920, 60 minutes; finally, that the Feinstein amendment No. 3910 also be in order, without any debate limitation; provided further, that a managers' amendment be in order if cleared by the managers and the leaders; that upon disposition of all amendments, the substitute amendment, as amended, be agreed to, and the bill be read the third time; that the Senate then vote on the motion to invoke cloture on the bill; that upon passage of the bill, the Senate proceed to Calendar No. 517, H.R. 3773, and all after the enacting clause be stricken and the text of S. 2248, as amended, be inserted in lieu thereof, the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that passage of S. 2248 be vitiated and then returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (No. 3909, as modified, No. 3932, as modified, No. 3960, as modified, and No. 3945) were agreed to, as follows:

#### AMENDMENT NO. 3909, AS MODIFIED

On page 56, strike line 14 and all that follows through page 57, line 14, and insert the following:

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

“(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

“(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

“(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

“(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.”

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

“(e) DEFINITIONS.—In this section:

“(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ‘Foreign Intelligence Surveillance Court’ means the court established by section 103(a).

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term ‘Foreign Intelligence Surveillance Court of Review’ means the court established by section 103(b).”

#### AMENDMENT NO. 3932, AS MODIFIED

On page 19, strike lines 10 through 12 and insert the following:

“(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

“(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

On page 19, line 13, strike “(C)” and insert “(D)”.

#### AMENDMENT NO. 3960, AS MODIFIED

On page 6, line 13, strike “and” and all that follows through page 10, line 5, and insert the following:

“(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

“(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

“(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

“(f) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not

permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike “States.” and insert “States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.”.

#### AMENDMENT NO. 3945

(Purpose: To strike the time limitation for certain appeals)

On page 15, beginning on line 10, strike “not later than 7 days after the issuance of such decision”.

Mr. REID. Mr. President, let me express on the record my appreciation for so many people.

Specifically, I wish to mention Senator ROCKEFELLER and Senator BOND. They and their staffs have spent days on this agreement. It is really good they have a relationship that allows them to be able to reach this agreement. But for that, it could not have been done.

I am not going to talk about Republican Senators, but I am sure there are a lot of unsung heroes. I cannot talk about them. But the Presiding Officer, Senator WHITEHOUSE, has done a remarkably good job as a member of the Intelligence and Judiciary Committees in helping us resolve this matter so we can proceed to finish it. As I add up all this time, it is about 11 hours of debate, plus the votes.

Senator KENNEDY is also always very easy to deal with. He believes fervently in what he believes, but he is always very understanding of my problems. I extend my appreciation to him.

Senator FEINGOLD is a brilliant man, and he is someone who is always looking at every bit of verbiage in any piece of legislation. He has been very good to work with, as he always is. I express my appreciation to him.

Senator CARDIN has been very patient in everything we have done.

Finally, I wish to talk about two people.

I spent a lot of time today with Senator FEINSTEIN. She is a real believer as a member of that Intelligence Committee. She is the second ranking member on that committee. She spends days of her life in committee hearings,

listening to what goes on and trying to figure out what is going on, which is not always easy. It is all done with all the Intelligence members away from the press. There is little recognition that members of the Intelligence Committees get, other than self-satisfaction that they are doing good things for the country and the world. I appreciate Senator FEINSTEIN working with us so we could get to this final agreement.

Even though his name does not appear in any of the consent agreements I read, Senator LEAHY is a person who is going to accomplish what he believes should be accomplished in this bill, but he has done it in a typical way. I had one Senator tell me—in fact, it was Senator KENT CONRAD. He said that in his entire public service, he has never known a better negotiator than Senator LEAHY. I think he probably is one of the best. He got a lot out of this even though his name does not appear anywhere.

We know the sincerity and the depth of feelings that Senator DODD has on this legislation. He is somebody who has been heavily involved in everything we have done in this bill. I appreciate his willingness to work with us to a point here. He and I agree on what should happen in this legislation. Time will only tell whether we get what our druthers are, but at least we are joined to try to accomplish the same thing.

I appreciate everyone working as they have with this legislation. It hasn't been easy to get where we are, but this is where we are, and I appreciate everyone's attention and help.

#### MORNING BUSINESS

#### 40TH ANNIVERSARY OF THE TET OFFENSIVE

Mr. REID. Mr. President, I rise today, the 40th anniversary of the beginning of the Tet Offensive, to commemorate the valor and courageousness with which our Armed Forces fought to repel this massive attack.

Over the holiday recess, I was fortunate enough to spend a great deal of time in my home State of Nevada. While at home, I met with several veterans at the Veterans of Foreign Wars, VFW, Post 1753 in Las Vegas. After talking with them for quite a while, it was brought to my attention that we were only a few weeks away from the 40th anniversary of the onset of the Tet Offensive. In order to ensure that the heroism of our troops who fought in these arduous battles was not overlooked on this milestone anniversary, I told my friends at VFW Post 1753 that I would honor their sacrifices and the sacrifices of their fellow Nevadans and call attention to this important occasion on the floor of the Senate.

From a tactical standpoint, the Tet Offensive would result in one of America's most convincing victories over the combined forces of the Viet Cong

and the North Vietnamese Army, NVA. Yet few Americans recall the decisiveness with which our troops routed the surprise onslaught. Many mistakenly believe that Tet was a military defeat, significant for the enemy's ability to launch a large-scale attack on the United States and South Vietnamese forces. It is time to correct this mistaken impression and recognize the bravery and sacrifice of our soldiers, sailors, airmen, and marines in achieving victory during the Tet Offensive.

As many Hollywood films have since immortalized, the surprise attacks began in full during the early morning hours of January 31, 1968, the Vietnamese lunar New Year holiday known as Tet. A few months earlier, the Governments of North and South Vietnam had agreed to observe a 7-day truce from January 27 to February 3, 1968, in honor of the national holiday. With the Tet Truce abruptly violated, America's servicemembers regrouped to defend what would be the largest military operation conducted by either side up to that point in the conflict.

Withstanding major assaults at Hué, Khe Sanh, and Saigon, our Armed Forces quickly turned the tide on the surprise offensive and delivered major tactical blows to both the Viet Cong and NVA. Most of the attack had been successfully repelled by mid-February with few notable exceptions, such as fighting at the coastal port of Hué, which continued into early March. When the dust settled, tens of thousands of Communist troops had died during the massive ambush, while 1,536 U.S. and non-Vietnamese allies perished in the violence and over 7,700 others were wounded or declared missing.

Despite America's impressive tactical victories in the aftermath of the original attacks, the Tet Offensive forever altered the course of the Vietnam war. Although the Tet Offensive would serve as a major blow in the court of American public opinion, we must never forget the resolve and bravery of our soldiers, sailors, airmen, and marines, who fought a determined enemy and defended the freedoms of those who could not defend themselves.

During the difficult times of today, when America remains at war abroad against another committed enemy, I believe we must all remember to take the necessary time and pay our deepest respects to those servicemembers who have fallen in years past. I certainly will never forget the 151 Nevadans who died during the course of the entire Vietnam war, many of whom would meet their eventual fate defending the south during the Tet Offensive. To all of those valiant Americans who fought during this mightiest of struggles, our Nation is eternally grateful for your sacrifice in turning what could have been one of our darkest hours into yet another great victory in the annals of our Nation's rich military history.

### THE RETIREMENT OF GREG HARNESS

Mr. REID. Mr. President, I rise today to recognize the distinguished and respected career of Senate Librarian Greg Harness, who retires today.

Librarians serve as bridges, connecting information and resources with those who need it. They are charged not only as the keepers of knowledge but also as the distributors of it, and it is a duty that Greg has upheld in the most respectful, prompt, and accurate manner. Members of the Senate and their staff have come to rely on the vast resources that Greg oversees and know that each request for information, no matter how small it may seem, will be treated with the same courtesy and professionalism.

Greg came to the Senate Library as a reference librarian in 1975, intending to stay only 2 years. Instead, Greg found his niche in the Senate Library, where he has worked for 32 years. He served in a variety of capacities over his tenure, transitioning to an assistant librarian position in 1995 and finally to Senate Librarian in 1997. One of his most important contributions was moving the Senate Library from the Capitol Building to the Russell Senate Office Building in 1999. Greg not only helped facilitate the move, but he also oversaw the design of the new library.

It is also worth noting that over the course of Greg's career, the field of librarianship has been transformed by new technology. In 1975, the Senate Library was the first Secretary of the Senate office to receive computers, allowing researchers to access information more quickly. For the Senate Library, this necessitated the need for research librarians who are not only knowledgeable of traditional paper-based resources but are also masters of electronic resources. Greg understands this balance and has assembled a qualified staff to fulfill this need.

From personal experience I can attest that Greg's tenure has been a welcome addition to the Senate Library's distinguished tradition of providing legislative, historic, and general knowledge to all that it serves. The Senate has been privileged to have Greg's expansive wealth of intellect and wisdom. I thank him for all the services he has provided to me, to other Members of the Senate, and to Senate staff. His service will be truly missed, and I wish him the best in his new endeavors.

### TRIBUTE TO SENATOR TRENT LOTT

Mr. GRAHAM. Mr. President, I want to take this opportunity to say a few words about my friend and colleague, Senator Lott.

Senator Lott has compiled a long and distinguished career in public service on behalf of the people of Mississippi and our Nation. He has been a tireless advocate on behalf of the needs of his

State and its people, particularly in light of the devastation wrought by Hurricane Katrina. Senator Lott also fought for our men and women in military uniform to ensure they have the best training, equipment, and technology available. Throughout his career, he believed that the American people should be able to keep more of their own money instead of sending it to Washington. Finally, Senator Lott understood and appreciated the fact we need judges on the Federal bench who will uphold the law, not make the law.

During his time in the Congress, he has been an active participant in many important legislative battles. The votes he has cast and the policies he supported have made the State of Mississippi and our Nation a better place.

Senator Lott is in a select group of individuals who have held leadership positions in both the House of Representatives and Senate. He has served as House minority whip, Senate majority leader, Senate minority leader and Senate minority whip. His election to these important leadership positions in both bodies show a high level of trust and respect from his colleagues.

With his departure the Senate will lose one of its most effective Senators and the people of Mississippi will lose a powerful advocate. I truly appreciate his leadership, service in the Senate, and service in the House of Representatives, wit, wisdom, and friendship.

I wish him the best of luck in all future endeavors.

### TRIBUTE TO MARTY PAONE

Mr. BIDEN. Mr. President, I rise today to offer a few words of appreciation and to say "Farewell" to one of the Senate's finest public servants, Marty Paone.

For our visitors in the gallery, and for our viewers on C-SPAN, it may look like Senators are running this place. Mr. President, we know better. We trust dedicated, professional staff like Marty Paone to make sure things get done.

As all of my colleagues know, Marty is the secretary for the majority, and when we were fewer Democrats around here, he was our secretary for the minority. He has held this position for the past 13 years. Before that, he served as the assistant secretary, worked as floor staff and in the cloakroom, going back nearly three decades. In short, Marty has spent close to his entire adult life here on the Senate floor, getting Senators where they need to be, when they are supposed to be there.

To do his job, Marty has to be a combination of traffic cop, diplomat, and parliamentarian—and he has to have the trust of the Senators who follow his direction. Marty has that trust, because he has earned that trust, and because he has all those other skills, too.

I have been here 35 years; it is hard for me to remember a time when Marty wasn't here. And I don't just mean year

in and year out. I mean any hour of the day and night. Whenever this place is open for business, Marty has been here, helping to maintain order and to get things done. We are indebted to his many personal sacrifices, when he was here instead of home with his family.

Indeed, it has been hard to get much done around here without relying on Marty's expertise on Senate process. I don't know how he has managed to juggle all the demands on him. He is the "go to guy" for help on moving amendments, overcoming objections, getting a place in line for debate, complying with Senate rules, strategizing passing or defeating a measure. If you want to know what is happening "behind the scenes," Marty is the person to look to. There isn't a vote that happens, there isn't a negotiation that takes place, there isn't a unanimous consent agreement—which is what makes this place function—that Marty hasn't helped to piece together or made sure it's done correctly.

And Marty works for each of us. While, technically, he works for the Democrats, I know that many of my Republican colleagues have turned to Marty for guidance. He is known for always being candid and straightforward. He has served us all with his honest counsel—you could always count on him for a straight answer. And, remarkably, he has never lost patience with any of us—no matter what we ask or how often we call.

It is hard to describe to those who haven't spent much time in the Senate how very important Marty Paone has been to the Senate, day-to-day life and historic moments. Mr. President, this is the end of an era. We all hope it will be the beginning of a new one for Marty, away from the heavy responsibilities he has met so well for so long. We wish him well. He will be missed very much.

### ANNUAL REPORT FOR 2007—SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator CORNYN as vice chairman of the committee, that the following "Annual Report for 2007—Select Committee on Ethics" be printing in the RECORD. The committee issues this report today as required by the Honest Leadership and Open Government Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ANNUAL REPORT FOR 2007—SELECT COMMITTEE ON ETHICS

The Honest Leadership and Open Government Act of 2007 (the "Act") calls for the Select Committee on Ethics of the United States Senate to issue an annual report no later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2007 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source [in 2007], including the number raised by a Senator or staff of the Committee: 95. (This figure does not include 16 alleged violations from the previous year carried into 2007.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 71. (This figure includes 5 matters originating in the previous year.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 15. (This figure includes 2 matters originating in the previous year.)

(3) The number of alleged violations in which the Committee staff conducted a preliminary inquiry: 16. (This figure includes 9 matters from the previous year carried into 2007 and includes 5 inquiries continuing into 2008.)

(4) The number of alleged violations that resulted in an adjudicatory review: 0.

(5) The number of alleged violations that the Committee dismissed for lack of substantial merit: 11. (This figure includes 7 matters from the previous year carried into 2007.)

(6) The number of private letters of admonition or public letters of admonition issued: 0.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2007, the Committee, through its staff, conducted 121 ethics educational briefings and seminars, including 72 sessions for individual Member or Committee offices and 37 sessions for a general Senate audience.

In 2007, Committee staff handled over 16,000 telephone inquiries for ethics advice and guidance.

In 2007, the Committee wrote over 1,000 ethics advisory letters and responses, including over 700 advisories concerning gifts or travel.

The Committee issued over 3,500 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates, including over 1,200 letters concerning required amendments to these disclosure filings.

#### REMEMBERING MONE LITTLE

Mr. LEVIN. Mr. President, Monday marked the 1-year anniversary of the tragic death of Mone Little. On January 28, 2007, 19-year-old Mone, granddaughter of late Motown legend and lead singer of The Temptations, David Ruffin, was gunned down in a drive-by shooting while walking with three friends in Detroit. While Mone was not the target, she was the only one in the group who was shot. Those responsible for this heinous crime have not been caught.

Mone, a student at Oakland Community College, was in the process of exploring her dreams. The community continues to grieve the senseless loss of this young woman. Unfortunately, we experience too many of these tragedies. Each year approximately 30,000 Americans are killed by a firearm, an average of 10 children and 74 adults each day.

Many of us continue to urge the Senate to pass sensible gun legislation. Law enforcement officers have re-

quested help in their difficult task of keeping our streets safe. Those that have been personally impacted by gun tragedies have called for change in the hope of protecting others from the pain they have endured.

The American people have a right to expect better protection against gun violence. Until Congress acts, many more lives will be lost. I once again urge my colleagues to take up and pass sensible gun legislation so that we can help prevent such tragedies.

#### TRIBUTE TO ROBERT M. BALL

Mr. KOHL. Mr. President, I rise today to recognize and honor the life of Robert Ball. Bob Ball has been a champion of America's elderly since 1939, helping to guide and strengthen our Social Security system for nearly 70 years. He was America's longest serving Social Security Commissioner, overseeing improvements to benefits such as the introduction of automatic cost-of-living adjustments. Today, about a third of our Nation's elderly rely on Social Security for 90 percent or more of their income, and two-thirds count on it to supply at least half of their income. It has been America's most successful anti-poverty program ever, due in no small part to Bob's influence.

While he is little known outside Washington, Bob played a critical role in the origins of our most recognizable Government programs. His work led to the introduction of Social Security disability insurance, and now because of him more than 7 million Americans who can't work due to a disability can still live in dignity. He helped create our Medicare system, which now provides health care to more than 40 million elderly Americans. Even as he became a Social Security recipient himself, he continued to defend the program against benefit cuts and privatization proposals. There is no question that Robert Ball's work has improved the lives of millions of Americans. His character, wisdom, and leadership will be greatly missed.

Mr. BAUCUS. Mr. President, very sadly, Robert M. Ball, Bob Ball, passed away on January 29, 2008, at the age of 93. Bob Ball had a truly exceptional record of public service and his passing is a loss to this nation. Bob Ball served as the longest serving Commissioner of the Social Security Administration from 1962 to 1973 and played a critical role in all changes to the Social Security programs for the last half century. He was a champion of social insurance programs, and through his leadership, the Social Security Administration tackled many challenges and served millions of Americans in need. Few individuals have had as direct and profound an effect on the lives of our fellow citizens. And I would like to express my personal gratitude for Bob Ball's dedicated service.

Bob Ball began his career with Social Security in a New Jersey field office in

1939. At SSA's headquarters, he served in various positions with the Bureau of Old Age and Survivors Insurance. He left the agency briefly in 1945 to serve as staff director for the Advisory Council on Social Security to the Senate Committee on Finance, and returned 4 years later serving as assistant director of the Bureau of Old Age and Survivors Insurance, and eventually, deputy director and acting director.

In 1962, President John F. Kennedy appointed Bob Ball Commissioner of Social Security, a position he held under both Democratic and Republican Presidents—retiring in 1973. During his time at SSA, he helped establish the Disability Insurance Program, the Medicare Program, and the Supplemental Security Income Program. These programs now protect millions of Americans from what President Franklin D. Roosevelt called the hazards and vicissitudes of life—disability that prevents work, and extended old age, both of which can cause severe poverty.

Following his retirement, Bob Ball went on to be one of the most active and prolific advocates for Social Security and social insurance programs. He was an influential member of the Greenspan Commission, which in 1983 reestablished Social Security on a sound financial footing, and has written and spoken on every proposal to improve Social Security's current financing difficulties, including the grossly flawed proposals to privatize Social Security. Bob Ball founded the National Academy of Social Insurance in 1986 to promote understanding and informed policymaking on Social Security and other social insurance programs through research, training, and public events for the exchange of unbiased information.

Bob Ball was a great American who dedicated his life to serving others. His passing is a great loss to this body and to all policymakers. I am sure my colleagues will join me in offering our deepest condolences to his family and to his friends and colleagues. I hope that we can keep his dedication in mind as we continue his life's work and secure our retirement and disability programs for the millions of Americans who benefit and will benefit from his service.

#### WILD MONONGAHELA ACT

Mr. ROCKEFELLER. Mr. President, I rise today in support of the Wild Monongahela: A National Legacy for West Virginia's Special Places Act. This important piece of legislation sets aside over 47,000 acres of wilderness in the Monongahela National Forest so that our children and grandchildren will have the opportunity to enjoy the forest in its pristine state.

West Virginians have a proud tradition of mining and logging that provides needed resources for our entire country. I have no doubt that this tradition will continue for many decades



to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set some part of our natural environment aside for those who come after us.

The Monongahela Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecological and geological unique reaches of our State. There are currently five wilderness areas in the Monongahela including the Cranberry Wilderness and Dolly Sods Wilderness. This bill will create four new wilderness areas and expand three of the existing areas. All of the land being designated as wilderness was already being treated as either recommended wilderness by the Forest Service or as backcountry recreation.

I want to extend my thanks to Congressman RAHALL for his leadership on this bill and congratulate him on drafting legislation that has received the support of West Virginia's entire bipartisan congressional delegation. Like all members of the congressional delegation, I have heard from hundreds of West Virginians how wilderness is important to them. I have heard how wilderness is a major draw for the outdoor tourism industry and will provide jobs. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. They want to experience the excellent hiking and backpacking the hills of West Virginia have to offer, and make sure their grandchildren have that same opportunity. But the reason I heard more than any others from West Virginians was the need to protect some small part of God's creation as His stewards on this Earth.

This legislation has received support from diverse groups and people across West Virginia including the West Virginia AFL-CIO, the Fayette County Commission, West Virginia Council of Churches, and both the Pocahontas and Greenbrier County Conventions and Visitor Bureaus, just to name a few. I know that there will be people who feel that this legislation is too big and goes too far. At the same time I recognize those West Virginians who are disappointed that areas of the Monongahela Forest special to them were not included. But I believe this legislation strikes a careful balance that will protect West Virginia's forests and serve our State's interests for generations to come.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JACK B. WEIL

• Mr. ALLARD. Mr. President, today I wish to make note of the recent passing of Jack B. Weil of Denver, CO. I

knew Jack personally. That puts me in the company of thousands. The passing of Jack B. Weil is not only a loss for his family, but it is a loss for the city of Denver and the State of Colorado, so I wanted to share a bit about Jack.

Jack was born on Nov 13, 1928, at Denver's Mercy Hospital. He graduated from Tulane University in 1952 and entered the U.S. Army as a second lieutenant, thus beginning a life of service to causes greater than himself.

In 1954, Jack joined the firm founded by his father, Rockmount Ranch Wear Manufacturing Company, where he worked until illness forced him to retire last year. While at Rockmount, Jack used his artistic flair to create many signature designs which have become icons of western shirt design. In fact his "Sawtooth" pocket and "diamond" snap design is the longest running shirt design in America, and it sits in a collection at the Smithsonian. Rockmount shirts have been worn by working cowboys, rodeo cowboys and the likes of Ronald Reagan, Elvis, Eric Clapton, Robert Redford, and more.

Jack was active in his community throughout his life. He supported higher education for all and served as the longtime chairman of the Foundation for the Community College of Denver. He supported the cause of historic preservation, even buying one of Denver's historic homes and fighting to preserve the historic character of the Humboldt Island neighborhood. He opened that same home for fundraisers for a wide spectrum of causes, including charitable and political ones. An accomplished artist, his abstract paintings provided pleasure to many people and were displayed in local galleries.

On the political front, Jack was proof that one could have strong convictions yet treat those with divergent views with respect and dignity. He never hesitated to state his views and he actively supported them by his involvement and leadership with various political organizations. When discussions would get too heated, Jack was quick with a wry comment or offcolor joke to break the tension and remind everyone of their commonalities, not their differences.

To the very end, Jack served others. He spent the past 2-plus years as the cochair of the USS *Mesa Verde* commissioning team. In that role, Jack supported the crew of this brand new Navy ship with both his time and his money. Despite his flagging health, he even attended the commissioning ceremony in Florida this past December to demonstrate his support of our brave sailors.

But you can not capture the essence of Jack B. Weil in his accomplishments. No, the true essence of Jack is captured in the lives he touched. You see, Jack Weil loved people. Be it buying someone who was having a bad day an ice cream cone or inviting people he had just met over to his house, Jack demonstrated a heart for people that we all would do well to follow. He made

friends wherever he went and always offered words of encouragement to those who needed them. This is best demonstrated by the volume of e-mails, phone calls, and letters that his family has received from all over the world offering their condolences and stories of how Jack touched them.

Though Jack moved in circles with the rich and powerful, he was completely unaffected by it. His son tells a story of Jack mentioning one day how he had sold some shirts to "some British musician . . . David something . . . Bowie," which his son thought was another one of Jack's jokes until he received a call from David Bowie's assistant the next day to order more shirts. Or the time Jack shared some laughs at a club with Robin Williams while having no idea who he was. That was how Jack was. It didn't matter if you were famous or powerful or a cleaning lady or a bartender, to Jack you were just his friend.

There is a line from a poem that all cadets at West Point learn that I think says it best: And when our course on earth is run, may it be said, "Well Done, be thou at peace." Well Done, Jack. ●

#### 100TH ANNIVERSARY OF THE LANSDOWNE IMPROVEMENT ASSOCIATION

• Mr. CARDIN. Mr. President, today I congratulate the Lansdowne Improvement Association on its 100th anniversary. Since April 1908, the association has served the Lansdowne community, a neighborhood that has a rich and interesting history.

In the 1800s, the Whitaker Iron Company began mining ore in the area and farms soon followed. Once the mining pits were abandoned, underground springs filled the pits creating small ponds and lakes. The area continued to grow and develop, particularly with the influence of the Baltimore and Ohio Railroad. The B&O Railroad opened the Coursey Station in what is now Lansdowne. The Coursey Station Senior Housing Center, a thriving mainstay of the community, is named for this station.

Throughout the 20th century, the community continued its growth around Coursey Station. Lansdowne quickly became known as a B&O town because many of its residents worked for the railroad. Many of its workers commuted to Baltimore City by train. This connection lasted until the 1960s when the B&O railroad closed the station. To this day, Lansdowne remains a very close-knit community.

The Lansdowne Improvement Association is an active and visible part of the community. It hosts monthly meetings that are well attended by the community. Working together to benefit the neighborhood, the Association sponsors the Citizens on Patrol program and a canned food drive, and it keeps residents informed about activities and concerns in the community.



The Lansdowne Police and Fire Departments have developed a strong relationship with the association to ensure that residents are kept informed about crime and other safety issues.

This year, as part of the 100th anniversary celebration, the Lansdowne Improvement Association is bringing back the once-traditional Lansdowne Parade, featuring music and entertainment.

I wish to express my congratulations to the Lansdowne Improvement Association, and I ask my colleagues to join me in recognizing this important milestone for the Lansdowne community.●

#### TRIBUTE TO TAMMI MACKEBEN

● Mr. CORNYN. Mr. President, today I wish to recognize one of my constituents, Tammi Mackeben, who has been named the 2008 School Counselor of the Year by the American School Counselor Association. Mrs. Mackeben was also named the Texas Multi-Level School Counselor of the year by the Texas School Counselor Association in 2007.

The School Counselor of the Year contest is open to all 100,000 members of the school counseling profession. Mrs. Mackeben was nominated for this award by Principal Ricardo Damian and was evaluated by a select panel of industry experts on several criteria including: creative school counseling innovations, effective counseling programs, leadership skills and their contribution to student advancement. Mrs. Mackeben is 1 of 10 finalists from across the Nation, and the only representative from Texas.

Mrs. Mackeben has worked as a counselor at the Ernesto Serna Two Way Dual Language School in El Paso, TX, for 7 years. She and her colleague Norma Guerra are responsible for counseling close to 700 students in grades kindergarten through eighth grade. Mrs. Mackeben works with students in the sixth through eighth grades, helping them to navigate personal and academic challenges, and preparing them to continue their education in high school. Both Mrs. Mackeben and Ms. Guerra have implemented Comprehensive Developmental Guidance and Counseling on their campus. The Guidance and Counseling Program received the CREST Award—Counselors Reinforcing Excellence for Students in Texas—from the Texas School Counselor Association and the RAMP Award—Recognized ASCA Model Program—from the American School Counselor Association during the 2006–2007 school year.

The guidance, support and compassion that Mrs. Mackeben shares in her daily work is perhaps one of the best gifts a teacher can offer to her students. For all this and for being such a great Texan, I can only say: Thank You, Mrs. Mackeben!●

#### MESSAGE FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1528. An act to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1528. An act to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-277. A resolution adopted by the Columbus City Council in the State of Ohio relative to the foreclosure crisis; to the Committee on Banking, Housing, and Urban Affairs.

POM-278. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing for local licensing of tour guides; to the Committee on Commerce, Science, and Transportation.

POM-279. A joint resolution adopted by the Alaska State Legislature urging Congress to take action to honor the sovereignty of individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

#### LEGISLATIVE RESOLVE NO. 6

Whereas the National Guard is the oldest component of the armed forces of the United States and one of the nation's longest-enduring institutions; and

Whereas the National Guard traces its history back to the earliest English colonies in North America, who were responsible for their own defense and, as such, organized their able-bodied male citizens into militias; and

Whereas the authors of the United States Constitution empowered the United States Congress to provide for organizing, arming, and disciplining the militia, and, to recognize the militia's state role, the founding fathers reserved the appointment of officers and training of the militia to the states; and

Whereas the federal government's preemption of the authority of the state or governor in natural and manmade disasters is opposed by all of the nation's governors; and

Whereas the role of the National Guard in the states and in the nation as a whole is too important to have major policy decisions made without full debate and input from governors through the policy process; be it

*Resolved*, That the Alaska State Legislature exhorts the United States Congress and the federal administration to understand the significant effect on Alaska and all the states by the expansion of presidential authority over the National Guard during natural and manmade disasters; and be it further

*Resolved*, That the Alaska State Legislature urges federal action to honor the sovereignty of the individual states to regulate and command National Guard troops during emergencies and disasters, and to take whatever actions are necessary to correct the encroachment of constitutional authority to protect the citizens of each state.

POM-280. A joint resolution adopted by the Alaska State Legislature opposing any international designation of land in the state without the consent of the affected local governments; to the Committee on Energy and Natural Resources.

#### LEGISLATIVE RESOLVE NO. 18

Whereas the United Nations has designated over 60 sites in the United States as "world heritage sites" or "biosphere reserves," which altogether are equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed rules and regulations respecting the territory or other property belonging to the United States and nothing in the constitution shall be construed to prejudice any claims of the United States or of any state; and

Whereas many of the United Nations' designations include private property inholdings and contemplate buffer zones of adjacent land; and

Whereas some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, operate under independent national committees such as the United States Man and Biosphere National Committee that have no legislative directives or authorization from the United States Congress; and

Whereas local citizens and public officials concerned about job creation and resource-based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas these international designations are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas environmental groups and the United States Department of the Interior, National Park Service, have been working to establish an international park, a world heritage site, and a marine biosphere reserve called Beringia covering parts of western Alaska, eastern Russia, and the Bering Sea, and in Glacier Bay National Park; and

Whereas foreign companies and countries could use these international designations in western Alaska to block or inhibit economic development that they perceive as competition; and

Whereas animal rights activists could use these international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas international designations may be used to harass or block industrial development in the state, including projects related to fishing, mining, timber harvesting, railroads, power transmission lines, pipelines, and other oil and gas development; and

Whereas the subsistence and recreational use of fish and game resources in the state could be severely and negatively affected by international land use designations; and

Whereas the United Nations Educational, Scientific, and Cultural Organization, with the collaboration of the United States Department of the Interior, has recognized the Kluane/Wrangell-St. Elias/Glacier Bay/Tatshenshini-Alsek World Heritage Site in Alaska, and has listed the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Arctic National Wildlife Refuge,

Cape Krusenstern Archaeological District, Denali National Park, Gates of the Arctic National Park, and Katmai National Park on the Tentative List of areas nominated for full status; and

Whereas the United Nations Educational, Scientific, and Cultural Organization's Man and the Biosphere Programme has identified the Glacier Bay—Admiralty Island, Noatak, Denali, and Aleutian Islands Biosphere Reserves in Alaska; and

Whereas, under current law, the United States Secretary of the Interior can nominate world heritage sites, and the United States Secretary of State can nominate biosphere reserves, both without approval by the Congress; be it

*Resolved*, That the Alaska State Legislature recognizes and reaffirms the constitutional authority of the United States Congress as the elected representatives of the people over the federally owned land of the United States; and be it further

*Resolved*, That the Alaska State Legislature objects to the nomination or designation of any site in Alaska as a world heritage site, biosphere reserve, or any other type of international designation without the prior consent of the Alaska State Legislature and affected local governments; and be it further

*Resolved*, That the Alaska State Legislature urges the United States Congress to pass and the President to sign legislation that will require approval by an Act of Congress before any area in the United States or its territories can be studied as a potential, or nominated to be a, world heritage site, biosphere reserve, or any other type of international designation.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of the Interior; the Honorable Condoleezza Rice, United States Secretary of State; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Steny Hoyer, Majority Leader of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all members of the 110th United States Congress by electronic transmission.

POM-281. A joint resolution adopted by the Alaska State Legislature urging Coeur Alaska, Inc., to pursue all legal options to resolve the issues present in a court case it is involved with; to the Committee on Environment and Public Works.

#### LEGISLATIVE RESOLVE NO. 19

Whereas the state is rich in natural resources and is dependent on the development of those resources for its well-being; and

Whereas the policy of the federal government expressed in 30 U.S.C. 21a is to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal, and mineral reclamation industries; and

Whereas the United States District Court for the District of Alaska found that the decision of the United States Army Corps of Engineers to allow the disposal of tailings from the proposed Kensington Mine into Lower Slate Lake is consistent with the requirements of the Clean Water Act; and

Whereas the United States Court of Appeals for the Ninth Circuit stated in an order

issued in Southeast Alaska Conservation Council v. United States Army Corps of Engineers, Case No. 06-35679, that the court intends to reverse and vacate the Record of Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand the case to the district court with instructions to enter summary judgment in favor of Southeast Alaska Conservation Council; be it

*Resolved*, That the Alaska State Legislature encourages Coeur Alaska, Inc., to pursue all legal options, including an appeal to the United States Supreme Court, to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers, Case No. 06-35679, on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources.

POM-282. A joint resolution adopted by the Alaska State Legislature urging Congress to defeat H.R. 39; to the Committee on Environment and Public Works.

#### LEGISLATIVE RESOLVE NO. 21

Whereas H.R. 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans," has been introduced in the United States House of Representatives; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the Arctic coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas oil and gas exploration and development of the Arctic coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas, in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain; and

Whereas enhancements in technology can be used in a manner that minimizes the area within the refuge that is used for exploration and development, while providing the nation with a needed supply of oil and gas; and

Whereas the oil industry is using innovative technology and environmental practices that are directly applicable to operating on the Arctic coastal plain and that enhance environmental protection beyond traditionally high standards; and

Whereas the state will strive to ensure the protection of the land, water, and wildlife resources during the exploration and development of the Arctic coastal plain; and

Whereas 8,900,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; be it

*Resolved*, That the Twenty-Fifth Alaska State Legislature urges the United States Congress to defeat H.R. 39.

POM-283. A resolution adopted by the California State Lands Commission expressing its support for the United Nations Convention on the Law of the Sea; to the Committee on Foreign Relations.

#### RESOLUTION

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state re-

source, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's \$46 billion ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law that requires these lands to be used for commerce, fishing, navigation, recreation and environmental protection; and

Whereas, protecting and improving the environmental integrity of the Pacific Ocean affects the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public and the environment; and

Whereas, the United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty ratified by more than 150 countries; and

Whereas, UNCLOS secures a member country's sovereign rights over the waters and natural resources off its shores, while also obligating the member country to protect the marine environment within its territorial seas, along its continental shelf, and on the high seas; and

Whereas, specifically, UNCLOS's marine environmental protections address marine pollution, dumping, fisheries, living resources, mining, oil and gas exploration, and scientific research; and

Whereas, UNCLOS provides a general governance framework that establishes a means to address future marine environmental problems not specifically addressed in the convention; and

Whereas, the United States has not ratified UNCLOS despite the fact that there is strong bipartisan support for ratification; the treaty is supported by all major environmental groups, shipping and oil interests, and current and former political figures across the ideological spectrum; and

Whereas, if the United States ratifies UNCLOS, it could, among other things, enforce its environmental laws in its exclusive economic zone. Moreover, the United States will be in a position to lead in the future application and development of UNCLOS, and develop regional and international cooperation to protect and preserve the marine environment; and Therefore be it

*Resolved by the California State Lands Commission*, That it supports the United Nations Convention on the Law of the Sea, which would promote the United States' interest in the environmental health of the oceans, secure sovereign rights over extensive marine areas, and protect national security interests; and, be it further

*Resolved*, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Mark R. Filip, of Illinois, to be Deputy Attorney General.

Ondray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 2582. A bill for the relief of Sali Bregaj, Mjajtme Bregaj, and Nertila Bregaj-Swyer; to the Committee on the Judiciary.

By Mr. CARPER (for himself and Mrs. MCCASKILL):

S. 2583. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2584. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. HAGEL, Mr. OBAMA, Mr. BAUCUS, Mr. DODD, Ms. KLOBUCHAR, Mr. CASEY, and Mr. WEBB):

S. 2585. A bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2586. A bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. MCCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI, and Mr. CRAPO):

S. 2587. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. MCCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI, and Mr. CRAPO):

S. 2588. A bill to require that funds awarded to States and political subdivisions for the State Criminal Alien Assistance Program be distributed not later than 120 days after the last day of the annual application period; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 439. A resolution expressing the strong support of the Senate for the North

Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 440. A resolution recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources; to the Committee on Agriculture, Nutrition, and Forestry.

### ADDITIONAL COSPONSORS

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 994

At the request of Mr. TESTER, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1199

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1199, a bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Govern-

ment of the United States, and for other purposes.

S. 1792

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1881

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1881, a bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1970

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2143

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2143, a bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

S. 2303

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2438

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2438, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

S. 2471

At the request of Mr. KENNEDY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 2471, a bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes.

S. 2477

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2575

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Min-

nesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 434

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 434, a resolution designating the week of February 10–16, 2008, as “National Drug Prevention and Education Week”.

AMENDMENT NO. 3909

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, supra.

AMENDMENT NO. 3932

At the request of Mr. WHITEHOUSE, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3932 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3960

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3960 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3967 intended to be proposed

to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mrs. MCCASKILL):

S. 2583. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to introduce the Improper Payments Elimination and Recovery Act of 2008.

At first glance, a bill with a name like that might not seem too exciting. But I can assure my colleagues that it addresses a serious, largely unknown problem that is a real threat to our fiscal well being.

Each year, agencies are required to look at all of their programs and activities and determine which are susceptible to significant improper payments. For those that are deemed at risk, agencies must produce estimated error rates that are included in their year-end financial statements. They must also come up with action plans for reducing their errors.

In fiscal year 2007, agencies are estimated to have made nearly \$55 billion in improper payments. That is an astounding number, Mr. President.

We spend so much time around here throwing around numbers like \$55 billion that they begin to lose their meaning. So I want to take a minute or so to put that number in perspective.

I was surprised to learn that \$55 billion is more than the total budget for the Department of Homeland Security. It is also twice as much as we're projected to spend to protect the vehicles our soldiers are using in Iraq against roadside bombs.

To illustrate further the amount of money we are talking about, \$55 billion is just a little bit less than the total GDP of Vietnam. It is a little bit more than the GDPs of Croatia and Slovakia. Most astoundingly, \$55 billion equals the combined GDPs of 44 of the smaller countries in the world.

So our Federal Government is likely wasting more money than the total populations of many countries produce in a given year.

But \$55 billion is not even a real number. It is likely just the tip of the iceberg. It includes no error estimates for massive programs like TANF, SCHIP, and the Medicare Prescription Drug Program. So I expect that we will see more than \$55 billion in improper payments next year and the year after.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management have held six hearings focused on this issue now, including one this afternoon. What we

have learned is that, in some cases, agencies are just not taking their responsibility to deal with and address their problems with improper payments and the management weaknesses that can cause them. The bill I am bringing forward today addresses just about all of the failures and deficiencies we've learned about through our oversight.

My bill starts by improving transparency. OMB right now has set the reporting threshold for improper payments too low, meaning millions of errors go unreported—and potentially unaddressed—each year. I want to lower the reporting threshold so that Congress and the general public have a better picture of the problem we face.

My bill would also help to prevent improper payments from happening in the first place by requiring that agencies come up with stronger corrective action plans and aggressive error reduction targets. It would also implement a recent recommendation from GAO that called on OMB to develop a process whereby agencies would receive regular audited opinions on the financial controls used to prevent improper payments before they happen.

My bill would also force agencies to be more aggressive in recovering improper payments they make. Some agencies—and most private sector firms—regularly go over their books to identify payment errors and get back overpayments made to contractors and others they do business with. We haven't done that enough in the Federal Government. Even as the agencies are reporting more and more improper payments, the amount recovered remains miniscule. I want to change this by requiring that all agencies with outlays of \$1 million or more perform recovery audits on all of their programs and activities if doing so is cost effective.

Finally—and perhaps most importantly—my bill would hold agencies accountable. Today, as I mentioned, some agencies do not appear to be taking improper payments very seriously. I want to force agencies to hold top managers accountable for their progress—or lack of progress—in doing something to take better care of the tax dollars we entrust them with.

I look forward to working with my colleagues to get these important reforms enacted. I am sure we can all agree that allowing this level of waste to continue unchecked is reckless and unacceptable.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2583

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Improper Payments Elimination and Recovery Act of 2008”.

#### SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

“(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

“(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

“(2) ANNUAL RISK ASSESSMENT.—

“(A) DEFINITION.—In this paragraph the term ‘significant’ means that improper payments in the program or activity in the preceding fiscal year exceeded—

“(i) 2.5 percent of all program or activity payments made during that fiscal year; or

“(ii) \$10,000,000.

“(B) RISK ASSESSMENT.—The review under paragraph (1) shall include a risk assessment that includes—

“(i) a systematic process for producing a statistically valid estimate of the level of improper payments being made by the agency; and

“(ii) an identification of the risks for each program and activity resulting from the estimates made under clause (i).”.

(b) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

“(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

“(1) a discussion of the causes of the improper payments identified, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

“(2) in order to reduce improper payments to minimal cost-effective levels, a statement of whether the agency has—

“(A) the internal controls, including information systems;

“(B) the human capital; and

“(C) other infrastructure the agency needs;

“(3) if the agency does not have the internal controls, a description of the resources the agency has requested in its budget submission to establish the internal controls;

“(4) a description of the steps the agency has taken to ensure that agency managers (including the head of the agency) are held accountable for establishing the appropriate internal controls, including an appropriate control environment, that prevent improper payments from occurring and promptly detect and collect improper payments made; and

“(5) a statement of whether or not the agency has—

“(A) conducted annual improper payment risk assessments;

“(B) developed and implemented improper payment control plans; and

“(C) implemented appropriate improper payment detection, investigation, reporting, and data collection procedures and processes.”.

(c) REPORTS ON RECOVERY ACTIONS AND GOVERNMENTWIDE REPORTING.—

(1) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(B) by inserting after subsection (c) the following:

“(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(g) of the Improper Payments Elimination and Recovery Act of 2008, the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to recover improper payments, including—

“(1) the types of errors from which improper payments resulted;

“(2) a discussion of the methods used by the agency to recover improper payments;

“(3) the amounts recovered, outstanding, and determined to not be collectable; and

“(4) an aging schedule of the amounts outstanding.

“(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS.—

“(1) DEPARTMENT OF THE TREASURY.—The Secretary of the Treasury shall include in each report submitted under section 331(a) of title 31, United States Code, the improper payment information reported by the agencies on a governmentwide basis.

“(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

“(A) coordinate with the Secretary of the Treasury in the preparation of the information to be reported under paragraph (1); and

“(B) prescribe regulations for—

“(i) the information required to be reported; and

“(ii) a format of reporting such information on a governmentwide basis to be used by agencies.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 331(a) of title 31, United States Code, is amended—

(A) in paragraph (6), by striking “and” after the semicolon;

(B) in paragraph (7), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(8) the improper payments information required under section 2(e) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”.

(d) DEFINITIONS.—Section 2 of the Improper Payment Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

“(g) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means an executive agency, as that term is defined in section 102 of title 31, United States Code.

“(2) IMPROPER PAYMENT.—The term ‘improper payment’—

“(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

“(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

“(3) PAYMENT.—The term ‘payment’ means any transfer or commitment for future transfer of cash, in-kind benefits, goods, services, loans and loan guarantees, insurance subsidies, and other items of value between Federal agencies and their employees, vendors, partners, and beneficiaries, and parties to contracts, grants, leases, cooperative agreements, or any other procurement mechanism, that is—

“(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

“(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

“(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term ‘payment for an ineligible good or service’ shall include a payment for any good or service that is in violation of any provision of any contract, grant, lease, cooperative agreement, or any other procurement mechanism, including any provision relating to quantity, quality, or timeliness.”

(e) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (h) (as redesignated by this section) and inserting the following:

“(h) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall prescribe updated guidance to implement and provide for full compliance with the requirements of this section. The guidance shall not include any exemptions not specifically authorized by this section.

“(2) CONTENTS.—The updated guidance under paragraph (1) shall prescribe—

“(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

“(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.”

(f) INTERNAL CONTROLS.—

(1) REPORT ON EFFECTIVENESS OF A-123 IMPLEMENTATION.—The President's Council on Integrity and Efficiency shall conduct a study of the effectiveness of implementation of the Office of Management and Budget's Circular No. A-123 (revised), Management's Responsibility for Internal Control at preventing improper payments or addressing internal control problems that contribute to improper payments, and not later than 1 year after the date of enactment of this Act, submit a report on the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Director of the Office of Management and Budget; and

(D) the Comptroller General.

(2) CONSULTATION AND COOPERATION.—The President's Council on Integrity and Efficiency shall consult and cooperate with the committees and director described under paragraph (1) to ensure the nature and scope of the study under paragraph (1) will address the needs on those committees and the Director of the Office of Management and Budget, including how the implementation of Circular No. A-123 (revised) has helped to identify, report, prevent, and recover improper payments.

(3) DETERMINATION OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall develop—

(A) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(B) criteria for an agency that has demonstrated a stabilized, effective system of in-

ternal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(g) RECOVERY AUDITS.—An agency with outlays of \$1,000,000 or more in any fiscal year shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) of all programs and activities, if the agency determines that—

(1) conducting an internal recovery audit would be effective; or

(2) a prior audit has identified improper payments that can be recouped and it is cost beneficial for a recovery activity to recapture those funds.

(h) REPORT ON RECOVERY AUDITING.—Not later than 180 days after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the President's Council on Integrity and Efficiency established under Executive Order 12805 of May 11, 1992, in consultation with recovery audit experts, shall—

(1) jointly conduct a study of the potential costs and benefits of requiring Federal agencies to recover improper payments using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(2) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

### SEC. 3. COMPLIANCE.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) COMPLIANCE.—The term “compliance” means that the agency—

(A) has published a performance report for the most recent fiscal year and posted that report on the agency website;

(B) has conducted a program specific risk assessment for each program or activity that—

(i) is in compliance with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(ii) is included in the performance report;

(C) publishes program specific improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the performance report;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the performance report;

(E) publishes Office of Management and Budget approved improper payments reduction targets in the performance report for each program assessed to be at risk, and is determined by the Office of Management and Budget to be actively meeting such targets;

(F) publishes the compliance report under subsection (c) in the performance report; and

(G) is not subject to the subsection (d)(4).

(3) DELINQUENT PROGRAM.—The term “delinquent program” means a program which

is partially or wholly responsible for the determination of an agency being not in compliance.

(4) PERFORMANCE REPORT.—The term “performance report” means the performance and accountability report referred to under section 3516(b) of title 31, United States Code, or a program performance report under section 1116 of that title.

(b) ANNUAL COMPLIANCE REPORT BY OMB.—

(1) IN GENERAL.—Each year, the Director of the Office of Management and Budget shall prepare a report with an identification of—

(A) the compliance status of each agency under this section; and

(B) the delinquent programs responsible for that status.

(2) INCLUSION IN BUDGET SUBMISSION.—The Director of Office of the Management and Budget shall include the report described under paragraph (1) in the annual budget submitted under section 1105 of title 31, United States Code.

(c) ANNUAL COMPLIANCE REPORT BY INSPECTOR GENERAL.—

(1) IN GENERAL.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) and this Act and submit a report to the head of the agency on that determination.

(2) PREPARATION OF REPORT.—The Inspector General of each agency may enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services in preparing the report described under paragraph (1).

(3) INCLUSION IN PERFORMANCE REPORT.—The head of each agency shall include the report of the agency Inspector General described under paragraph (1) in the performance report.

(d) REMEDIATION ASSISTANCE.—

(1) VOLUNTARY REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) in a fiscal year, the head of the agency may transfer funds from any available appropriations of that agency for expenditure on intensified compliance for any delinquent program (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(2) REQUIRED REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for 2 consecutive fiscal years, the head of the agency shall transfer funds from any available appropriations of that agency to expend on intensified compliance (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(3) REMEDIATION RESCISSION.—

(A) IN GENERAL.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for a period of 3 consecutive fiscal years and any delinquent program is included in the report under that subsection for 2 consecutive years during that 3-fiscal year period, the head of the agency shall transfer 5 percent of the available appropriations for each of those delinquent programs, as determined by the head of the agency, to miscellaneous receipts of the United States Treasury.

(B) CONTINUATION OF TRANSFERS.—The head of an agency shall make transfers under subparagraph (A) until the agency is determined to be in compliance under subsection (b).

(4) STOP-LOSS PROVISION.—If an agency is determined under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to have an improper payment rate greater than 15 percent for 3 consecutive fiscal years



(regardless of the whether the program is a delinquent program)—

(A) not later than 30 days after that determination, the head of agency shall submit to Congress proposals for statutory changes or other relevant actions determined necessary to stop the financial loss by the program; and

(B) no further appropriations for such program shall be authorized until such time as the inspector general of that agency submits a certification to Congress that sufficient changes in the program (whether those proposed by agency or otherwise) have been implemented to warrant resumed authorization of appropriations.

By Mr. REID (for Mrs. CLINTON):

S. 2584. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services, to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the PEPFAR Accountability and Transparency Act, a bill that will increase our ability to research and identify the most effective interventions in combating global AIDS. As we work to increase funding for the President's Emergency Plan for AIDS Relief, PEPFAR, I believe we must also insure that we maximize our investment in programs that have been found effective in preventing infections and delivering care to as many people as possible.

Through the years, the science known as operations research—the ability to identify what is working and what is not working in our treatment, prevention, and care interventions—has helped to improve the effectiveness of the health care delivery system that we have established and enhanced with U.S. funding.

Take, for example, the issue of mother to child transmission of HIV. In the U.S., cases of perinatal HIV transmission have dropped markedly—from more than 1,000 in 1991 to less than 100 in 2005—largely due to access to critically needed, life-extending drugs. But in the developing world, where fewer than 10 percent of HIV positive pregnant women, about 1 out of every 3 children born to mothers with HIV end up with the virus—a wholly preventable situation. The field of operations research is allowing us to understand how we can, in low resource settings, improve testing, education, and treatment options that reduce cases of perinatal transmission.

There are many other areas where the data from operations research can transform our ability to maximize the U.S. investment in global AIDS funding—through measuring the impact of our prevention education efforts, to understanding how addressing gender inequality can reduce HIV infection, to ensuring that treatment is delivered in a way that extends the lives of people with HIV.

This legislation will require the Government to develop a strategic plan to improve program monitoring, evaluation and operations research. With this

plan, we can determine the effectiveness of the interventions we are funding, so that we can replicate those that are working well, and examine ways to improve those that do not have the outcomes that we expected. The bill would also increase the dissemination of research findings, so that those working in low-resource settings would be able to easily learn and implement cost-effective interventions in their communities.

I am proud to support increases for PEPFAR, but I also believe that we must ensure that these increases are targeted toward effective programs that reach as many people as possible. This legislation will help us achieve that goal. I look forward to working with my colleagues in the Senate to support this legislation and operations research as we move forward with PEPFAR reauthorization.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

ELIZABETH GLASER PEDIATRIC  
AIDS FOUNDATION,  
January 28, 2008.

Hon. HILLARY RODHAM CLINTON,  
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express our strong support for the PEPFAR Accountability and Transparency Act. We appreciate your leadership in expanding the important role of operations research, program monitoring, and impact evaluation research in the President's Emergency Plan for AIDS Relief (PEPFAR) and applaud your efforts in maximizing U.S. financial commitment to the global AIDS pandemic.

Significant advances have been made over the last twenty-five years in HIV/AIDS prevention, care, and treatment to improve the lives of children and families affected by HIV/AIDS across the globe. Yet, while scientists and doctors have learned a great deal about HIV, how to prevent the spread of HIV, and how to treat those already infected, insufficient focus has been placed on putting many of those advances into action on the frontlines of the pandemic. Operations research is becoming increasingly important in determining what approaches work best in the field and ensuring that this knowledge is applied on a broader scale.

Your legislation will help ensure that we maximize the lifesaving impact of PEPFAR resources by elevating operations research as a priority in PEPFAR, improving accountability, and strengthening transparency. Specifically, the legislation directs the Office of the Global AIDS Coordinator to work in collaboration with federal agencies, country governments, and implementing partners to develop a five-year strategic plan to prioritize operations research, program monitoring, and impact evaluation research projects and establish timelines for action.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children, women, and families worldwide benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,  
President and Chief Executive Officer.

Mr. ROCKEFELLER:

S. 2586. A bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a critical piece of legislation, the State Fiscal Relief Act of 2008. This legislation builds upon the \$20 billion State fiscal relief model passed by Congress and signed into law by President Bush as part of the Jobs and Growth Tax Reconciliation Act of 2003. It would provide \$12 billion in State aid, equally divided between an increase in Federal Medicaid matching payments and general revenue sharing grants to States.

Many of my colleagues may wonder why I am introducing a \$12 billion State fiscal relief bill instead of a \$15 billion State fiscal relief bill—the approach I have consistently supported. The reason is simple. I want to build on the strong, bipartisan support of our Nation's Governors, who have repeatedly endorsed a \$12 billion fiscal relief package—with \$6 billion in additional Medicaid assistance to States and \$6 billion in targeted grants to States. I still worry that State deficits will only grow in the coming days, weeks, and months, but I am willing to start with \$12 billion and continue my work with our Nation's Governors, health care providers, advocates, and others to get this aid to States immediately.

I want to begin my remarks with the fact that leading economists support State fiscal relief. Earlier this month, Mark Zandi, chief economist of Moody's Economy.com, examined the effectiveness of the various stimulus options that Congress is considering. Dr. Zandi's analysis found that targeted State aid would generate increased economic activity of \$1.36 for each dollar of cost, because it would lessen State and local government budget cuts that “are sure to become a substantial drag on the economy later this year and into 2009.”

As a former Governor, who survived the tough times of the 1980s, I strongly believe that States deserve to be a part of the economic stimulus package currently before the Senate. State and local governments are an integral part of our national economic engine. They provide health care and a wealth of social services to millions of Americans, particularly when the economy is weak. We should act immediately to provide States with relief before they are faced with the harsh decision to cut children and families off of Medicaid.

States experience enormous budget pressures when the economy slows. State revenues can evaporate rapidly during an economic downturn. Unlike the Federal Government, States cannot borrow infinite amounts of debt from China and other countries. By law, 49 States including West Virginia—are required to balance their budgets and, in times of economic downturn, this task becomes significantly more difficult.

A delayed Federal response to the growing impact of this downturn on States is an invitation to disaster. We know from experience that Medicaid is consistently the first program slated for cuts during a State budget squeeze. This is not only a problem for current Medicaid enrollees; it is also a problem for hard-working Americans who have lost their jobs because of the economic slowdown.

In the last year, our unemployment rate has increased to 5.0 percent with nearly 900,000 more Americans without jobs. The loss of a job is hard enough financially on an individual or family, but since the majority of Americans get their health insurance through their jobs, the loss of a job often results in a simultaneous loss of health insurance coverage. Medicaid fills the gap for working families when they lose access to private coverage. For every 1 percent increase in the unemployment rate, Medicaid enrollment increases by 2-3 million people.

During the last economic downturn, the number of uninsured Americans would have been millions more if Medicaid and CHIP had not responded to the twin challenges of an economic downturn and a sharp drop-off in private health insurance coverage. A critical factor in helping States sustain Medicaid enrollment during those difficult times was the \$20 billion in State fiscal relief that Congress enacted in 2003. The 2003 fiscal relief provisions went a long way to preserve health care coverage for millions of working Americans. However, we cannot discount the fact that one million low-income people had already lost Medicaid coverage because we waited two years into the recession to pass State fiscal relief. We should not make the same mistake twice. We must act quickly.

There is no question that health care is economic stimulus. Insuring jobless workers encourages consumption of health care services and provides an economic boost to the health care sector. People without insurance seek treatment less often than people who are insured. Uninsured Americans not only have greater problems accessing needed care but often spend more out-of-pocket on health care, making it harder for them to spend on other things.

The grants to States are also stimulative. For example, they can be used to finance unfunded Federal mandates like child support enforcement. Six economists recently wrote that "restoring funding to the child support program will produce well-targeted stimulus to the economy because child support redistributes income toward lower-income families who are more likely to use the income to meet their consumption needs. Restoring funding to the child support program would also mean that the State and county governments would not have to lay off child support workers and reduce the level of services that they provide families in the child support program."

One of the arguments against State fiscal relief that I continue to hear is the argument that State fiscal conditions are not that bad. We have to be very cautious about that type of argument because State fiscal situations are changing rapidly. The recent CBO report on the economy alludes to this very fact. It reads, "Recent evidence indicates that many States respond relatively quickly to a downturn in the economy, even if it occurs after their budgets have been enacted for the year."

We already know from the National Governors Association that 18 States have reported budget shortfalls totaling \$14 billion for 2008 and 17 States project shortfalls totaling \$31 billion for 2009. However, we cannot simply take a snapshot of the economy today and argue that this is not a crisis waiting to happen. The fact of the matter is that a dozen more States could be in deficit situations very soon if the downturn continues. This is especially true given the significant decline in property tax revenues in many States and the impact of the bonus depreciation provisions included in the stimulus bill in several States.

As proud as I am of the 2003 fiscal relief package, I want to remind my colleagues that the \$20 billion in relief was nearly too late. One million low-income people had already been cut off of Medicaid by the time that legislation finally passed because we waited two years into the recession to enact it. History does not have to repeat itself. We know that working families are at risk of becoming uninsured now and into the near future, so we must act swiftly to protect them.

I urge my colleagues to support this important legislation. We have a real opportunity to proactively address a looming health care crisis. This approach is supported by the National Governors Association as well as hundreds of provider and health advocacy groups nationwide. We should not allow this opportunity to pass. Too much is at stake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2586

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "State Fiscal Relief Act of 2008".

#### SEC. 2. TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the sec-

ond, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

#### (6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

**“TITLE VI—TEMPORARY STATE FISCAL RELIEF**

**“SEC. 601. TEMPORARY STATE FISCAL RELIEF.**

“(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

“(1) \$3,600,000,000 for fiscal year 2008; and

“(2) \$2,400,000,000 for fiscal year 2009.

“(b) PAYMENTS.—

“(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

“(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

“(c) PAYMENTS BASED ON POPULATION.—

“(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

“(2) MINIMUM PAYMENT.—

“(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

“(i) in the case of 1 of the 50 States or the District of Columbia,  $\frac{1}{2}$  of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

“(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa,  $\frac{1}{10}$  of 1 percent of the amount appropriated for such fiscal year under subsection (a).

“(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to

States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

“(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

“(A) the amount described in subsection (a) for a fiscal year; and

“(B) the relative State population proportion (as defined in paragraph (4)).

“(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term ‘relative State population proportion’ means, with respect to a State, the amount equal to the quotient of—

“(A) the population of the State (as reported in the most recent decennial census); and

“(B) the total population of all States (as reported in the most recent decennial census).

“(d) USE OF PAYMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

“(A) provide essential government services;

“(B) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

“(C) compensate for a decline in Federal funding to the State.

“(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

“(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State’s proposed uses of the funds are consistent with subsection (d).

“(f) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.”

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. MCCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI and Mr. CRAPO):

S. 2587. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senator HUTCHISON and I are introducing two bills that will significantly alleviate the burden of illegal immigration on State and local governments: the SCAAP Reimbursement Protection Act of 2008 and the Ensure Timely SCAAP Reimbursement Act. We are joined by Senators BOXER, KYL, SCHUMER, CORNYN, DURBIN, MCCAIN, BINGAMAN, CRAIG, CANTWELL, DOMENICI, and CRAPO.

These bills will amend the State Criminal Alien Assistance Program, SCAAP, statute to ensure that states and localities receive more funding for costs associated with incarcerating criminal aliens, and that these reimbursements are given out in a timely manner.

The cost of incarcerating criminal aliens is high. In California alone, the State spent more than \$900 million in 2007 to house over 20,000 criminal aliens.

Congress enacted SCAAP in 1994 to help reimburse States and localities for the cost of arrest, incarceration, and transportation of these aliens.

However, in 2003, the Department of Justice, DOJ, reinterpreted the statute. Now States are only reimbursed for what they spend incarcerating convicted criminal aliens and only when the arrest and conviction occur in the same fiscal year.

The DOJ reinterpretation has significantly cut the reimbursement local governments are eligible to receive for incarcerating and processing illegal aliens.

This reinterpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposal over the past 6 years. Through bi-partisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. For example, in fiscal year 2007, SCAAP reimbursed only \$109.5 million of the more than \$912.5 million spent by the California Department of Corrections that year. That means the State paid \$803 million of its own funds to house criminal aliens.

This cut has had a domino effect on public safety funding. Every dollar less that SCAAP reimburses States means a dollar less to spend on critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff’s Department implemented an ‘early release’ policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government’s responsibility to control illegal immigration. The funding cuts imposed by this administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2008 would restore the original intent of SCAAP so that States are reimbursed for the costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors. States would also be reimbursed regardless of the fiscal year of the incarceration and conviction.

This bill has been endorsed by the National Sheriffs’ Associate, California State Association of Counties, CSAC, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs’ Association, the Los Angeles County Sheriff Lee

Baca, and the Sheriffs' Association of Texas.

Our colleagues on the House Judiciary Committee unanimously passed a companion bill, H.R. 1512, and I urge you to do the same.

Another problem with SCAAP is the significant delay in reimbursement. Recently, State and county governments that foot the bill for holding criminal aliens between July 2004 and June 2005 had to wait until June 21, 2007, before they were reimbursed.

For example, Los Angeles County, San Bernardino County, and Riverside County waited 2 years to receive their reimbursement—totaling \$85.9 million. While they were waiting, public safety offices had to cut back on critical services. This delay is worse when one considers that even when localities receive the federal funds, they are only reimbursed for pennies on every dollar spent.

Delays place unreasonable budgetary burdens on States, counties, and municipalities that already shoulder most of the costs of housing criminal aliens.

California is not alone. Every other State depends on these funds to perform what is ultimately a federal responsibility—to control illegal immigration and its effects in our communities. These delays affect every State.

The Ensure Timely SCARP Reimbursement Act would help ease this burden on States and localities by requiring the Justice Department to disburse funds within 6 months of the application deadline.

I ask my colleagues to join me in supporting these much needed amendments to the SCAAP statute. Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “SCAAP Reimbursement Protection Act of 2008”.

#### SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting “charged with or” before “convicted”.

S. 2588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensure Timely SCAAP Reimbursement Act”.

#### SEC. 2. DISTRIBUTION OF SCAAP COMPENSATION.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

“(7) Any funds awarded to a State or a political subdivision of a State, including a municipality, for a fiscal year under this subsection shall be distributed to such State

or political subdivision not later than 120 days after the last day of the application period for assistance under this subsection for that fiscal year.”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 439—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE NORTH ATLANTIC TREATY ORGANIZATION TO ENTER INTO A MEMBERSHIP ACTION PLAN WITH GEORGIA AND UKRAINE

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 439

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating “We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional secu-

rity. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.”;

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseniy Yatsenyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member States; and

(5) the United States should take the lead in supporting the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible.

Mr. LUGAR. Mr. President, I rise today to introduce the NATO Membership Action Plan Endorsement Act of 2008. This resolution is intended to express strong Senate support for Administration leadership in ensuring that NATO extends Membership Action Plan, MAP, status to Georgia and Ukraine as soon as possible.

NATO has a long track record of support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. The leaders of Georgia and Ukraine have clearly stated their desire to join NATO and both have made remarkable progress towards meeting NATO standards.

The Membership Action Plan was launched in April 1999 to assist countries in preparations for possible NATO membership by providing advice, assistance, and practical support on all aspects of membership requirements. NATO has identified four main categories of cooperation and assistance through MAP. First, NATO assists in the development of a national program that covers political, economic, defense, resource security, and legal requirements for membership. Second, NATO experts provide focused and candid feedback and political and technical advice to the governments. Third, NATO provides an organizational structure to assist in the coordination of defense and security assistance received from NATO member states and other allies. Fourth, NATO provides assistance in the construction of an individual approach to defense planning to include force, personnel, and capability reforms.

MAP implementation is no longer simply an activity that focuses on military and security issues. Inter-ministerial meetings engage other governmental departments in a coordinated and systematic approach with the goal of government-wide reform and progress. These goals include settling international, ethnic or external territorial disputes by peaceful means; demonstrating a commitment to the rule of law and human rights; and promoting stability and prosperity through economic reform, social equality, and environmental responsibility. Each participant is free to choose the elements of MAP best suited to their own national priorities and circumstances. In other words, if approved at the NATO summit at Bucharest, Romania in April, Tbilisi and Kyiv will set their own objectives, targets, and work schedules.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the pre-eminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security.

Three years ago, the U.S. Senate unanimously voted to invite 7 countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global

war on terrorism. It is time again for the U.S. to take the lead in urging its allies to recognize the important efforts underway in Georgia and Ukraine, and to offer MAP to both countries this spring.

Both countries have significant amounts of work to accomplish before they can be offered NATO membership. Let me be clear, MAP participation does not guarantee future membership, nor does it consist of simply a checklist for aspiring NATO members to fulfill. It is a guide, not an endorsement to NATO membership.

I am confident that Presidents Saakashvili and Yushchenko understand that NATO membership will not be possible without the support of their respective electorates. In Georgia the issue was put to a referendum earlier this month and 76.22 percent of voters supported NATO membership. Ukrainian leaders have identified the need for a national referendum on this important issue in the future. Alliance membership requires commitment and sacrifice that must have the support of the local population if they are to be successfully implemented.

Last week, former U.S. Ambassador to Ukraine, Steven Pifer, outlined in the International Herald Tribune several compelling arguments for extending MAP to Ukraine. He said, in part: "Granting Ukraine a MAP at the Bucharest summit . . . would enhance European security and stability . . . [N]one of the arguments against the measure stand up to scrutiny . . . Ukraine has made as much progress on democratic, economic, and military reform as Romania, Bulgaria, Slovakia, and Albania when they received MAPs in 1999 . . . Kyiv has demonstrated that it has serious military capabilities and the political will to use them. In recent years, the Ukrainian military has provided the alliance with strategic airlifts; participated, often side-by-side with NATO troops, in peacekeeping operations in the Balkans and elsewhere; and made a significant contribution to coalition ground forces in Iraq during 2004-05. Ukraine would be a net contributor to Euro-Atlantic security."

Mr. President, I ask that my colleagues support this important resolution. It sends a strong message to the administration, our NATO allies, as well as to the people of Georgia and Ukraine that we are prepared to work closely with each to contribute to the strengthening of peace and security in Europe and Eurasia.

#### SENATE RESOLUTION 440—RECOGNIZING SOIL AS AN ESSENTIAL NATURAL RESOURCE, AND SOILS PROFESSIONALS AS PLAYING A CRITICAL ROLE IN MANAGING OUR NATION'S SOIL RESOURCES

Mr. BROWN (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 440

Whereas soil, plant, animal, and human health are intricately linked and the sustainable use of soil affects climate, water and air quality, human health, biodiversity, food safety, and agricultural production;

Whereas soil is a dynamic system which performs many functions and services vital to human activities and ecosystems;

Whereas, despite soil's importance to human health, the environment, nutrition and food, feed, fiber, and fuel production, there is little public awareness of the importance of soil protection;

Whereas the degradation of soil can be rapid, while the formation and regeneration processes can be very slow;

Whereas protection of United States soil based on the principles of preservation and enhancement of soil functions, prevention of soil degradation, mitigation of detrimental use, and restoration of degraded soils is essential to the long-term prosperity of the United States;

Whereas legislation in the areas of organic, industrial, chemical, biological, and medical waste pollution prevention and control should consider soil protection provisions;

Whereas legislation on climate change, water quality, agriculture, and rural development should offer a coherent and effective legislative framework for common principles and objectives that are aimed at protection and sustainable use of soils in the United States;

Whereas soil contamination coupled with poor or inappropriate soil management practices continues to leave contaminated sites unremediated; and

Whereas soil can be managed in a sustainable manner, which preserves its capacity to deliver ecological, economic, and social benefits, while maintaining its value for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes it as necessary to improve knowledge, exchange information, and develop and implement best practices for soil management, soil restoration, carbon sequestration, and long-term use of the Nation's soil resources;

(2) recognizes the important role of soil scientists and soils professionals, who are well-equipped with the information and experience needed to address the issues of today and those of tomorrow in managing the Nation's soil resources;

(3) commends soil scientists and soils professionals for their efforts to promote education, outreach, and awareness necessary for generating more public interest in and appreciation for soils; and

(4) acknowledges the promise of soil scientists and soils professionals to continue to enrich the lives of all Americans by improving stewardship of the soil, combating soil degradation, and ensuring the future protection and sustainable use of our air, soil, and water resources.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3973. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3974. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3975. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, *supra*; which was ordered to lie on the table.

SA 3977. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (FOR HIMSELF AND Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3978. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 3973.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE \_\_\_\_—TEMPORARY STATE FISCAL RELIEF**

##### **SEC. \_\_\_\_ . TEMPORARY STATE FISCAL RELIEF.**

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and

(g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicare program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicare plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

#### **"TITLE VI—TEMPORARY STATE FISCAL RELIEF**

##### **"SEC. 601. TEMPORARY STATE FISCAL RELIEF.**

"(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

"(1) \$3,600,000,000 for fiscal year 2008; and

"(2) \$2,400,000,000 for fiscal year 2009.

"(b) PAYMENTS.—

"(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

"(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

"(c) PAYMENTS BASED ON POPULATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

"(i) in the case of 1 of the 50 States or the District of Columbia,  $\frac{1}{2}$  of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa,  $\frac{1}{10}$  of 1 percent of the amount appropriated for such fiscal year under subsection (a).

"(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

"(A) the amount described in subsection (a) for a fiscal year; and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the population of the State (as reported in the most recent decennial census); and

"(B) the total population of all States (as reported in the most recent decennial census).

"(d) USE OF PAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

"(A) provide essential government services;

"(B) cover the costs to the State of complying with any Federal intergovernmental



mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

“(C) compensate for a decline in Federal funding to the State.

“(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

“(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

“(f) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.”.

**SA 3974.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REDUCTION IN CORPORATE MARGINAL INCOME TAX RATES.**

(a) GENERAL RULE.—Paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “and” at the end of subparagraph (A),

(2) by striking “but does not exceed \$75,000,” in subparagraph (B) and inserting a period,

(3) by striking subparagraphs (C) and (D), and

(4) by striking the last 2 sentences.

(b) PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) of such Code is amended by striking “35 percent” and inserting “25 percent”.

(c) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking “35 percent” and inserting “25 percent”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007, except that the amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

**SA 3975.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF EGTRRA AND JGTRRA SUNSETS.**

(a) ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to compliance with Congressional Budget Act) is repealed.

(b) JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

**SA 3976.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISIONS.**

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

“(c) SMALLER PUBLIC COMPANY OPTION.—

“(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

“(2) DEFINITION OF SMALLER ISSUER.—

“(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term ‘smaller issuer’ means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

“(i) has a total market capitalization at the beginning of the relevant reporting period of less than \$700,000,000;

“(ii) has total product and services revenue for that reporting period of less than \$125,000,000; or

“(iii) has, at the beginning of the relevant reporting period, fewer than 1,500 record beneficial holders.

“(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.”.

**SA 3977.** Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike “and” and all that follows through page 10, line 5, and insert the following:

“(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

“(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

“(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

“(f) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication

as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike “States.” and insert “States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.”

**SA 3978.** Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —INCREASED FUNDING FOR HIGHWAY TRUST FUND**

**SEC. 01. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

“(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund \$5,000,000,000, of which—

“(A) \$4,000,000,000 shall be deposited in the Highway Account; and

“(B) \$1,000,000,000 shall be deposited in the Mass Transit Account.”; and

(2) by striking “AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES” in the heading and inserting “CERTAIN AMOUNTS”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 02. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.**

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109-59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(g) and (h)” and inserting “(g), (h), and (i)”; and

(B) paragraph (4), by striking “\$39,585,075,404” and inserting “\$43,585,075,404”; and

(2) by adding at the end the following:

“(I) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

“(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), not less than \$4,000,000,000 shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

“(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

“(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

“(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.”.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading “(INCLUDING TRANSFER OF FUNDS)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” under the heading “FEDERAL HIGHWAY ADMINISTRATION” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended by striking “\$40,216,051,359” and inserting “\$44,216,051,359”.

(2) The matter under the heading “(INCLUDING RESCISSION)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “(LIQUIDATION OF CONTRACT AUTHORITY)” under the heading “FORMULA AND BUS GRANTS” under the heading “FEDERAL TRANSIT ADMINISTRATION” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended by striking “\$6,855,000,000” and inserting “\$, and section 3052 of Public Law 109-59, \$7,855,000,000”.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting “, as amended by the Economic Stimulus Act of 2008,”.

**SEC. 03. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1544) is amended by adding at the end the following:

**“SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

“(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

“(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

“(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

“(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

“(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

“(1) \$300,000,000 for stimulus grants to recipients described in subsection (b)(1); and

“(2) \$700,000,000 for stimulus grants to recipients described in subsection (b)(2).

“(d) DISTRIBUTION OF FUNDS.—

“(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient’s full funding grant agreement.

“(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

“(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

“(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

“(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

“(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

“(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

“(e) PRE-AWARD SPENDING AUTHORITY.—

“(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

“(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

“(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

“(g) SELF-CERTIFICATION.—

“(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

“(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

“(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

“(C) that the funds will be used in a manner that will stimulate the economy.

“(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

“(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.”.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, \$1,000,000,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient

Transportation Equity Act: A Legacy for Users.”

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2007” and inserting “2009”;

(2) in subparagraph (A), by striking “2007” and inserting “2009”; and

(3) by adding at the end the following:

“(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

“(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

“(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

“(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.”.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 7, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the oversight hearing is to receive testimony on the energy market effects of the recently passed renewable fuel standard.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2008, at 10 a.m., in order to conduct a hearing entitled “Strengthening Our Economy: Foreclosure Prevention and Neighborhood Preservation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, for the purposes of conducting a hearing.

The purpose of the hearing is to receive testimony on the regulatory aspects of carbon capture, transportation, and sequestration and to receive testimony on two related bills: S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development and demonstration projects, and for other purposes; and S. 2144, a bill to require the Secretary of Energy to conduct a study of the feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, “A Hearing to Receive the Report of the National Surface Transportation Policy and Revenue Study Commission.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, January 31, 2008, at 4 p.m., in room SD-226 of the Dirksen Senate Office Building.

## Agenda

I. Bills: S. 1638, Federal Judicial Salary Restoration Act of 2007 (LEAHY, HATCH, FEINSTEIN, GRAHAM, KENNEDY); S. 352, Sunshine in the Courtroom Act of 2007 (GRASSLEY, SCHUMER, LEAHY, SPECTER, GRAHAM, FEINGOLD, CORNYN, DURBIN); S. 2450, a bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine (LEAHY, SPECTER, GRAHAM); S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (DOMENICI, KENNEDY, SPECTER, LEAHY)

II. Nominations: Mark R. Filip to be Deputy Attorney General, Department of Justice; Ondray T. Harris to be Director, Community Relations Service, Department of Justice; David W. Hagy to be Director, National Institute of Justice, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m. in order to hold a hearing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PERSONNEL SUBCOMMITTEE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m., in open session to hold an oversight hearing on military recruiting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, January 31, 2008 from 10:30 a.m.–12:30 p.m. in SH-216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT GOVERNMENT INFORMATION FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 2:30 p.m. in order to conduct a hearing entitled, “Eliminating Agency Payment Errors.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CORNYN. Madam President, I ask unanimous consent that Colin Brooks, a fellow on my staff, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4253, the small business veterans military reservist legislation.

There being no objection, the Presiding Officer (Mr. WHITEHOUSE) laid before the Senate the following message from the House of Representatives:

H.R. 4253

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4253) entitled "An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes", with the following: House Amendment to Senate Amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

**TITLE I—VETERANS BUSINESS DEVELOPMENT**

- Sec. 101. Increased funding for the Office of Veterans Business Development.
- Sec. 102. Interagency task force.
- Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
- Sec. 104. Office of Veterans Business Development.
- Sec. 105. Increasing the number of outreach centers.
- Sec. 106. Independent study on gaps in availability of outreach centers.
- Sec. 107. Veterans assistance and services program.

**TITLE II—RESERVIST PROGRAMS**

- Sec. 201. Reservist programs.
- Sec. 202. Reservist loans.
- Sec. 203. Noncollateralized loans.
- Sec. 204. Loan priority.
- Sec. 205. Relief from time limitations for veteran-owned small businesses.
- Sec. 206. Service-disabled veterans.
- Sec. 207. Study on options for promoting positive working relations between employers and their Reserve Component employees.
- Sec. 208. Increased Veteran Participation Program.

**SEC. 3. DEFINITIONS.**

In this Act—

- (1) the term "activated" means receiving an order placing a Reservist on active duty;
- (2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;
- (3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;
- (4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;
- (5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));
- (6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);
- (7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and
- (8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

**TITLE I—VETERANS BUSINESS DEVELOPMENT**

**SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.**

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business

Development of the Administration, to remain available until expended—

- (1) \$2,100,000 for fiscal year 2008; and
- (2) \$2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

**SEC. 102. INTERAGENCY TASK FORCE.**

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

- (1) by redesignating subsection (c) as (f); and
- (2) by inserting after subsection (b) the following:

"(c) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

- "(A) the Administrator, who shall serve as chairperson of the task force; and
- "(B) a senior level representative from—
- "(i) the Department of Veterans Affairs;
- "(ii) the Department of Defense;
- "(iii) the Administration (in addition to the Administrator);
- "(iv) the Department of Labor;
- "(v) the Department of the Treasury;
- "(vi) the General Services Administration;
- "(vii) the Office of Management and Budget; and

"(viii) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall—

"(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

"(B) coordinate administrative and regulatory activities and develop proposals relating to—

"(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(vi) making other improvements relating to the support for veterans business development by the Federal Government."

**SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.**

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

- (1) by striking subsection (h); and
- (2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

**SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.**

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

"(d) PARTICIPATION IN TAP WORKSHOPS.—

"(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a minimum, a description of the entrepreneurial and business training resources available from the Administration.

"(3) WRITTEN MATERIALS.—The Associate Administrator shall—

"(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

"(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

"(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

"(1) compile information on existing resources available to women veterans for business training, including resources for—

- "(A) vocational and technical education;
- "(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers."

**SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.**

(a) IN GENERAL.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

- (1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and
- (2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) LIMITATION.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

**SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.**

The Administrator shall sponsor an independent study on gaps in the availability of

Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

#### SEC. 107. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

“(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

“(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

“(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

“(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

“(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

“(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

“(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than \$75,000 and not more than \$250,000.

“(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administrator may make grants or enter into cooperative agreements to carry out the provisions of this subsection.”.

### TITLE II—RESERVIST PROGRAMS

#### SEC. 201. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking “90 days” and inserting “1 year”; and

(2) by adding at the end the following: “The Administrator may, when appropriate (as determined by the Administrator), extend the ending date specified in the preceding sentence by not more than 1 year.”.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term “eligible Reservist” means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary

of Veterans Affairs and the Secretary of Defense, may develop a comprehensive outreach and technical assistance program (in this subsection referred to as the “program”) to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(1) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

#### SEC. 202. RESERVIST LOANS.

(a) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(b) MARKETING.—The Administrator is authorized—

(1) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(2) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

#### SEC. 203. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

“(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than \$50,000 without collateral.

“(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

“(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

“(II) the period during which the relevant essential employee is on active duty.”.

#### SEC. 204. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

“(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or

making a determination on other loan applications under this subsection, on a rolling basis.”.

#### SEC. 205. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

“(5) RELIEF FROM TIME LIMITATIONS.—

“(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

“(i) is owned and controlled by—

“(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

“(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

“(ii) was subject to the time limitation during such period of active duty.

“(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

“(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).”.

#### SEC. 206. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

#### SEC. 207. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

**SEC. 208. INCREASED VETERAN PARTICIPATION PROGRAM.**

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(32) **INCREASED VETERAN PARTICIPATION PROGRAM.**—

“(A) **DEFINITIONS.**—In this paragraph—

“(i) the term ‘cost’ has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

“(ii) the term ‘pilot program’ means the pilot program established under subparagraph (B); and

“(iii) the term ‘veteran participation loan’ means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

“(B) **ESTABLISHMENT.**—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

“(C) **DURATION.**—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

“(D) **MAXIMUM PARTICIPATION.**—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

“(E) **FEEES.**—

“(i) **IN GENERAL.**—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

“(ii) **WAIVER.**—The Administrator may waive clause (i) for a fiscal year if—

“(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

“(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

“(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

“(iii) **EFFECT OF WAIVER.**—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

“(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

“(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

“(iv) **NO INCREASE OF FEES.**—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

“(F) **GAO REPORT.**—

“(i) **IN GENERAL.**—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee

on Small Business and Entrepreneurship of the Senate a report on the pilot program.

“(ii) **CONTENTS.**—The report submitted under clause (i) shall include—

“(I) the number of veteran participation loans for which fees were reduced under the pilot program;

“(II) a description of the impact of the pilot program on the program under this subsection;

“(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

“(IV) recommendations for improving the pilot program.”.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I am pleased to see the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008, a bill that Senator SNOWE and I developed, pass the Senate today. Veterans have sacrificed in the defense of our country, and they have earned the support of their Government in reentering civilian life. Senators HAGEL, CANTWELL, LANDRIEU, LIEBERMAN, and TESTER are cosponsors of this bill.

There are currently 24 million veterans in America, including over 1.3 million who have left military service since 2001. As the conflicts in Iraq and Afghanistan continue, it becomes increasingly vital that returning servicemembers receive the assistance they need to reenter civilian life. According to the Department of Labor, the unemployment rate among recently discharged veterans is more than double the national overall unemployment rate: 11.9 percent compared to 4.6 percent. In addition, 55 percent of self-employed reservists experienced income loss when deployed, and 22 percent said that their business suffered serious or very serious harm.

As chairman of the Committee on Small Business and Entrepreneurship, addressing the concerns of veteran entrepreneurs remains a top priority. In January 2007, the committee's first hearing, “Assessing Federal Small Business Assistance Programs for Veterans and Reservists,” looked at the issues facing veterans who wish to start or grow a small business. In March, the committee released a report, “The State of Veteran Entrepreneurship” which described the issues facing veterans and listed a series of recommendations to fix those problems. The Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 is based on those recommendations.

Senator SNOWE and I introduced S. 1784, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007, on July 12, 2007. In September, that bill was added by unanimous consent as an amendment to the Department of Defense authorization bill; however, unfortunately, it was dropped in the final con-

ference negotiations. In November, after working closely to address concerns of other Members of the Senate, the bill passed the Senate by unanimous consent again, and the House took up the measure on January 16. An amended version passed the House on the same day, and the amended bill was passed by the Senate today. The House changes included removing a study looking at the tax and regulatory barriers facing veterans and reinserting Senate language requiring veteran and military service organizations to serve on a new interagency task force. Although this bill has changed from what I envisioned many months ago, it is an important step forward in supporting the American dream of business ownership for veterans and reservists, and I am gratified to see it pass the Senate and urge the President to sign it as quickly as possible.

The Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007 takes a number of steps to improve the Government's role in supporting our veterans. Specifically, it reauthorizes the veterans programs in the Small Business Administration. This legislation increases the funding authorization for the Office of Veteran Business Development from \$2 million today to \$2.3 million over 2 years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

The bill also creates an interagency task force to improve coordination between agencies in administering veteran small business programs. One of the biggest complaints that our committee heard at its hearing last January was that Federal agencies do not work together in reaching out to veterans and informing them about small business programs. This task force will focus on increasing veterans' small business success, including procurement and franchising opportunities, access to capital, and other types of business development assistance.

This bill also permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective, which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists



who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and Reserves. This has intensified since September 11, and increased deployments are expected to continue. The effect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan, MREIDL, program to provide loans to small businesses that incur economic injury as result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs. At our hearing last January, we heard suggestions for a number of changes, which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to 1 year following the date of discharge, creating a predeployment loan approval process, and improved outreach and technical assistance.

This bill also increases to \$50,000 the amount SBA can disburse without requiring collateral under the MREIDL program. Reservist families have already sacrificed enough when a family member is called to serve their country. They should not have to forfeit the success of their business and their livelihood as well. This loan program would allow reservist-dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the noncollateralized loan created in this bill would not accumulate interest or require payments for 1 year or until after the deployment ends, whichever is longer.

There are two more provisions, which will help this Nation's servicemembers. One section of the bill will require the SBA to give priority to MREIDL loans during loan processing. Another provision will give activated servicemembers an extension of any SBA time limitations equal to the time spent on active duty. This will make it easier for

servicemembers to serve their country while continuing to meet their obligations at home.

Lastly, this bill calls for two reports. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

This bill also calls for a study to investigate how to improve relations between reservists and their employers. In January, the committee heard that recent changes by the Department of Defense to policies regulating the length and frequency of reservist deployments is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring them. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them.

The bill also includes a number of other important provisions that were added by the House. For instance, this bill includes language directing the Office of Veterans Business Development to increase the number of Veterans Business Outreach Centers and requires them to improve their participation in the Transition Assistance Program. This bill also creates a program reducing 7(a) loan fees for veterans, improves Small Business Development Centers outreach to the veteran community, and instructs the Associate Administrator of the Office of Veterans Business Development to create and disseminate information aimed at informing women veterans about the resources available to them. I am pleased that the House and Senate were able to come to an agreement on these provisions.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources and small business training to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent.

We owe veterans and reservists more than a simple thank you for their service. The least we can do is provide critical resources to help them start and

grow small business and to hold Federal agencies accountable. That is what our bill does.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110-161, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: The Honorable DANIEL K. INOUE of Hawaii.

#### ORDERS FOR MONDAY, FEBRUARY 4, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, February 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 2248, the FISA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will resume consideration of the FISA legislation, and at 5:30 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 5140, the Economic Stimulus bill. Senators should be aware that additional votes will occur following the 5:30 cloture vote. Those votes would be in relation to the FISA legislation.

I understand there may be some problems with Republicans wanting any votes that afternoon, but we will work on that Monday. At least we have agreement on this legislation, and I see no reason, if we can't take a big chunk out of it on Monday, which I think we can, we can finish it on Tuesday.

Mr. President, I thank everybody for all their good work this week.

#### ADJOURNMENT UNTIL MONDAY, FEBRUARY 4, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Monday, February 4, 2008, at 2 p.m.